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NOMINATION OF HON. THOMAS "TOM" J. RIDGE

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON THE

NOMINATION OF HON. THOMAS "TOM" J. RIDGE TO BE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

JANUARY 17, 2003

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NOMINATION OF HON. THOMAS "TOM" J. RIDGE

FRIDAY, JANUARY 17, 2003

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Susan Collins, Chairman of the Committee, presiding.

Present: Senators Collins, Voinovich, Coleman, Specter, Bennett, Fitzgerald, Sununu, Shelby, Lieberman, Levin, Akaka, Durbin, Carper, Dayton, Lautenberg, and Pryor.

OPENING STATEMENT OF CHAIRMAN COLLINS

Chairman COLLINS. The Committee will come to order. Good morning. Today, the Committee on Governmental Affairs is holding a hearing to consider the President's nomination of Governor Tom Ridge to be the first Secretary of the Department of Homeland Security.

The establishment of the Department of Homeland Security will be the most significant restructuring of the Federal Government in more than 50 years. It will involve the merger of 22 agencies and some 170,000 Federal employees. Managing this new Department will pose extraordinary challenges and President Bush has chosen an extraordinary leader.

September 11 focused our attention on homeland security as never before. Now, we understand all too well why it is a problem if our first responders do not have compatible communications systems. Interoperability has gone from being a buzz word to a matter of life and death. Now, we recognize the vulnerability posed by the 17 million shipping containers arriving in the United States from all over the world, with few of them ever being searched. And now, we understand that our Nation's 20,000 miles of land and sea borders present countless opportunities for our enemies.

We also realize that we can no longer rely on an ad hoc approach to homeland security. Currently, as many as 100 agencies are responsible for our security, but not one had homeland security as its primary mission. When that many entities are responsible, none is really accountable and turf battles and bureaucratic disputes are inevitable. The homeland security effort will take all of us working together—the administration, the new Secretary, and the Congress—to ensure the success of this reorganization to improve the security of our Nation.

At the same time, we must ensure that those non-homeland security functions moving to the Department are not neglected. For example, the Coast Guard has important functions related to homeland security. Its other responsibilities, particularly its search and rescue mission, are crucial in many parts of our country. On a typical day, the Coast Guard saves 10 lives, interdicts 14 illegal immigrants, inspects and repairs 135 buoys, and helps more than 2,500 commercial ships navigate into and out of U.S. ports. That is why Senator Stevens and I worked with other Members of this Committee to include language in the law that would ensure that these functions are preserved.

The need for stronger and better coordinated border security was the rationale for transferring the Immigration and Naturalization Service to the new Department, but the new Secretary must also ensure that more stringent border security does not unduly hinder routine and legitimate border crossings, particularly in border States.

Another challenge for the new Department will be to effectively support those men and women on the front lines, our Nation's two million first responders. The Homeland Security Act establishes an Office for State and Local Government Coordination, but it offers no assurance that the new Department will coordinate and communicate effectively with State and local first responders. Senators Feingold, Carper, and I would have placed a Department liaison in each State. Ensuring that our partners at the State and local level have sufficient attention, cooperation, and resources will require more work.

Given the breadth of responsibilities, this cabinet post may well be the most challenging position created by Congress since it established the Department of Defense in 1947. It is, therefore, critical that the new Secretary possess exceptional leadership and management skills, as well as an unwavering commitment to serving our Nation.

I believe that Governor Ridge is exactly the right person for the ground. His background, temperament, and experience make him ideally qualified to be the first Secretary of the Department of Homeland Security. His resume is impressive. In addition to his current service as Assistant to the President for Homeland Security, he twice was elected Governor of Pennsylvania, served six terms in Congress, and worked as an Assistant District Attorney.

But perhaps the clearest indication of his character is not something that you would find on his resume. It is the story of his service in the U.S. Navy during the Vietnam War. Governor Ridge was one of the first, if not the only, graduate of Harvard to serve in Vietnam as an enlisted man, and he did so with distinction. Infantry Staff Sergeant Ridge was awarded a Bronze Star for Valor.

These impressive credentials speak to the character of a remarkable man. Governor Ridge, you have a difficult job ahead of you, but I want you to know that this Committee is ready to stand behind you and with you all of the way.

While the new Department will not make us safer overnight, at the end of the day, its establishment must lead to new capabilities that will make our Nation more secure. Our goal must be a Department that enables our country to better deter, detect, prepare for,

and respond to a terrorist attack. To attain this goal will require not only extraordinary leadership from the Secretary, but also the cooperation of the agencies transferred to the new Department and the full support of the Congress. Ultimately, the success of the new Department rests not just on the shoulders of Governor Ridge, but on all of us.

It is my pleasure to welcome all of the Committee Members this morning, particularly the new Members of the Committee. We are very pleased to have Senator Specter returning to the Committee and to welcome the new Members who are here today, Senator Sununu, Senator Pryor. I want to welcome you.

Now, I would like to turn to the distinguished Ranking Member of the Committee, Joe Lieberman. Senator Lieberman has been instrumental in the establishment of the new Department and it is a pleasure to call upon him for his opening statement.

OPENING STATEMENT OF SENATOR LIEBERMAN

Senator LIEBERMAN. Thank you, Madam Chair, Governor Ridge. Senator Collins, I congratulate you and wish you well as you assume the Chairmanship of this very important Committee and I have every confidence that you will lead it forward in all of its best traditions of aggressive oversight of progressive initiatives and of a largely bipartisan spirit in conducting our business. I look forward to working with you and I join you in welcoming our two new Members, Senator Pryor and Senator Sununu, and welcoming back that old soldier who just doesn't go away, the great Senator Arlen Specter. [Laughter.]

As you have said, Madam Chair, this is an historic confirmation hearing literally, and I hope and believe it begins a new era of responsibility and readiness for America's domestic defenses.

Sixteen months ago, America and the world changed forever. September 11, 2001, will not only be remembered as the single worst attack on American civilians in our history, it will also, unfortunately, be remembered, and must be, as the most catastrophic breakdown ever in America's homeland security. The attacks revealed that just about every link in our security chain, public and private, from intelligence analysis to border and transportation security, was either broken or brittle.

The establishment of a Department of Homeland Security is the critical first big step forward in strengthening our homeland defenses. It will consolidate more than two dozen agencies and offices and organize them in a logical, accountable, and strong chain of command, and at the top of the agency, we will have a single cabinet Secretary with strong budget authority who will be responsible to the Congress and to the people.

Governor Ridge, I know you appreciate the enormity of the task ahead of you and I appreciate, as I am sure we all do, your willingness to accept this challenge. Perhaps I should say your courage in accepting this challenge. You will oversee, as Senator Collins has said, the largest Federal Government reorganization since the late 1940's, and in this case, you must oversee that reorganization not before the crisis which it responds to, but in the midst of it. As I think I said to you once, you are in a position that Noah would have been in if the Lord had asked him to start building the ark

after the rain had already started falling, and, of course, that means that you and we have to act with a sense of urgency as we go forward.

Let me say for my part, as one who fought along with colleagues on this Committee for the new Department for as long as a year, I will do everything I can to support your efforts and I will do everything I can to ensure that the Department has the resources and the support it needs and deserves, because this is the most urgent responsibility our Federal Government has today.

We, in the Congress, have historically managed to elevate support for our armed services above partisan politics and we must now do the same for homeland security, and I am confident that through this Committee, we will do just that.

I want to say that I have never been under the illusion, and I am sure you are not either, that reorganization would by itself be the solution to our homeland security challenges. Of course, we need the right structure, but having the right structure is no guarantee in itself of success. We also need the right people, the right policies, and the right programs, and we need adequate resources to enable and empower you and the people working under you to get this critical job done.

In this area, I must say that the administration's homeland security efforts thus far have left much to be desired, and in my opinion, leave much to be done quickly. This is not only my personal judgment. Almost every independent assessment that I have seen says that in almost every way, America is as vulnerable today to terrorist attack as we were on September 11.

The most persuasive of these assessments was produced by former Senators Hart and Rudman, who last October issued a task force report under the auspices of the Council on Foreign Relations, which concluded in part, "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy."

The facts are that our local and State law enforcement officials are operating in a virtual intelligence vacuum with no access to the terrorist watch list, for instance, that the State Department provides to our immigration and consular officials. In the words of the Hart-Rudman report, when it comes to combatting terrorism, the police officers on the beat, "are effectively operating deaf, dumb, and blind." In my view, the administration has only taken small steps thus far to fix this problem.

Container ships, trucks, and trains entering the United States over our borders and through our ports are subject to hardly any examination. Of the 21,000 shipping containers that come through our ports every day, no more than 2 percent are inspected, and the administration must—you and we must do better quickly to remove the dangerous risk that remains.

Our first responders are still inadequately prepared, in many cases unprepared, for potential chemical or biological attacks. They lack the necessary training and their communication systems are, in most cases, incompatible with each other. Again, I know that the

administration has talked about responding to this problem, but the solutions and the resources have not been seen yet.

The National Guard is still oriented to supporting conventional combat units overseas, but we can and must make much greater use of their effectiveness and skill here at home. I have offered a plan for our country which I think will help us make better use of the Guard for homeland defense.

And we still lack effective vaccines and medicines to counter the vast majority of biological and chemical weapons. It is unacceptable that we have not come further faster, and that is the mission I think you will accept as you assume this new position.

In my opinion, the administration's record on homeland defense, though under your leadership in the office which did not give you adequate power, some steps forward have been taken. Overall, it has been too weak, its vision has been too blurry, and its willingness to confront the status quo, including with resources, has been too limited.

Bureaucratic inertia is a powerful force, and that is why the Homeland Security Act which we passed and the President signed needs to be implemented very boldly. Bureaucratic turf needs to be ripped up. Governor Ridge, you had a great comment you made last October, "The only turf we should be worried about protecting is the turf we stand on." And you were absolutely right.

Thus far, I have not seen indication in several critical areas that the administration is prepared to live up to that standard that you set in that statement, and I want to give you one crucial example where I think the reaction has been more reactive than proactive, and that is intelligence collection, dissemination, and analysis.

We know that the failure of our intelligence agencies to connect the dots on September 11 was the single greatest failure among many of our homeland security systems leading up to September 11. Nevertheless, the administration has thus far failed to challenge or adequately change the status quo of the intelligence community to fix what is broken.

On paper, the passage of the new Homeland Security Act was meant to usher in a new era which would do just that. The bill creates a single source, all-source information, analysis, and infrastructure protection unit within the new Department that Senator Specter and I and others worked very hard to construct. But I am very disturbed by the early indications, and I hope you can turn this around, that the administration still believes that the primary responsibility of the Department's new intelligence unit is to protect critical infrastructure and that performing analysis of intelligence to prevent other attacks is secondary or peripheral.

The fact is that we can imagine horrific terrorist attacks that are not against critical infrastructure as we know it but against people. I hesitate to mention examples, but they are in our minds: A bomb in a shopping mall, a biological agent dropped from overhead onto city streets. Therefore, it makes no sense for the new Department's intelligence division to put on critical infrastructure blinders rather than assessing and processing all information related to terrorist attacks against Americans here at home or anywhere.

I am also troubled that the administration has not yet acted with sufficient urgency and directness to break down existing barriers to

getting the necessary intelligence information to the new Department that you will head. The assumption in the Homeland Security Act is that unless the President or future Presidents determine otherwise, all FBI, CIA, and other government information about terrorist threats, including so-called unevaluated intelligence possessed by intelligence agencies, will be routinely shared with this new unit.

Unfortunately, there are early signs reported in the media a month ago that the administration is acceding to the intelligence community's predictable resistance to the change that the law would bring about and thereby undermining these provisions rather than implementing them faithfully. That is a deeply disturbing development and it really calls out for your strong leadership to get your Department what I think the Congress intended it to have.

Finally, the critical problem of insufficient funding. We have dozens of Federal agencies, including many that are being consolidated into the new Department, that are already in the midst of urgent work post-September 11. The Coast Guard, Border Patrol, and others need to train their employees, for instance, to acquire new technology. But the administration has not yet provided them with the necessary funding, and, therefore, they will not be able to do this adequately.

Indeed, as you well know, just yesterday on the Senate floor, the Republican leadership, I believe, shortchanged Homeland Security by nearly $1 billion compared to what Senate appropriators agreed to last Congress. As a result, now $627 million isn't being provided to the Immigration and Naturalization Service, a part of the new Department, for a variety of critical border security measures. And local first responders are not receiving the money that they expected to get as appropriated or recommended last year. And the list goes on.

The problem is most pressing, I think, at the local level, where local and State first responders, who also, if we use them well, can be our first preventers of terrorism, are not getting the support that they need. Late last summer, the President inexplicably blocked $2.5 billion in emergency spending that could have gone to Federal agencies and State and local officials for their homeland security efforts. That was wrong, and I think you and we have to work to turn that around, including turning around the disbursement of the money that has already been appropriated and not yet fully received at the State and local level.

Governor Ridge, you know better than any of us that this war on terrorism and the critical work of homeland security cannot be won with a magic wand or wishful thinking. It is going to take strong leadership that you can provide and a lot of money that the administration and we must provide. It is going to take talent, training, and technology. It will take real, not rhetorical, partnership among every layer and level of government. It is going to take a clear vision and a consistent attention to achieving the goals outlined in that vision as expressed in the Homeland Security Act. And, of course, it will take tireless effort on the part of the thousands of Federal employees who will now report to you.

All this will soon fall on your literally broad shoulders, and so, too, will the responsibility to be a vigorous advocate within the ad-

ministration for adequate resources for homeland security, from the President you serve on behalf of the American people that you and we must better protect. Thank you.

Chairman COLLINS. Thank you, Senator Lieberman.

Before calling on other Members for brief opening statements, I want to welcome two other new Members to the Congress. Senator Coleman of Minnesota, we are delighted to have you as a Member of this panel. Senator Lautenberg of New Jersey, welcome back to the Senate, and again, welcome to the Governmental Affairs Committee.

We are going to follow the tradition of this Committee in recognizing people in the order that they arrived. Senator Voinovich, it is my pleasure to call upon you. I would ask my colleagues to keep their opening statements brief. We do expect early votes this morning and we are hoping to conclude as many opening statements as possible. In fact, if any of you wish to just put your statement in the record rather than deliver it, that would certainly be an acceptable alternative.

Senator Voinovich, thank you for being here and you may proceed.

OPENING STATEMENT OF SENATOR VOINOVICH

Senator VOINOVICH. Thank you, Madam Chairman. Your statement and that of our Ranking Member, I think, pretty well lay out what most of the Members of this Committee think about the new agency and Governor Ridge.

I am pleased that this Committee is moving swiftly to consider the nomination of Governor Ridge to be Secretary of the Department of Homeland Security. There is no more urgent business before this Committee than to expeditiously move Governor Ridge's nomination, and it would be wonderful, Madam Chairman, if we did it today, because Governor Ridge is eager to get on officially with his responsibilities.

I have known the Governor for a long time. We served together in the National Governors Association and the Council of Great Lakes Governors. As you pointed out, Madam Chairman, he has served this country with distinction in the service in Vietnam, as Congressman, and also as Governor of Pennsylvania. I want to thank you, Tom, Michele, and the family, for answering the call of the President to give up your job as governor to come to work for the President and for your willingness to take on this very formidable challenge that you have. I believe that it is an opportunity for you to leave a lasting legacy to your country.

The job is formidable. You are going to be responsible for some very serious missions, protecting the lives and livelihood of all Americans at home, orchestrating the merger of 20 different agencies. It is the most significant consolidation since 1947 when Congress established the Defense Department. In that consolidation, there was a common threat that ran through the agencies being brought together. With the current consolidation, there are several different threats, so you have a tougher job than they did back then.

There are several aspects of the Department in which you know I am very interested: The relationship between your Department

and State and local governments, the first responders program, and the structure of the Department's human resources system. One of the things I think is really important here is that we are hearing from local and State Government. Too often, some of the requests coming in are for things that ordinarily they would pay for on the State and local level. We have to make sure that the money the Federal Government provides them is going for things like HAZMAT and other activities dealing with security and not just for things that they should appropriately pay for.

The other critical issue is the Department's workforce. We need the right people with the right skills and at the right place, at the right time. Part of the reason I think we had September 11 is that the Federal Government's personnel system has prevented the proper configuration of staff and the needed flexibilities have not been in place.

I really think it is important that while you are establishing your personnel system, the Federal Government's intelligence agencies are doing the same thing in terms of having the people that they need to get the job done, and as Senator Lieberman said, to get the information flowing back and forth between those various Federal agencies.

I will never forget the testimony of former Secretary of Defense Schlesinger before our oversight subcommittee, talking about the Hart-Rudman Commission's report, when he said that unless we fix the personnel problem, we are not going to be able to repair everything that is wrong with the U.S. national security edifice. I think that this Committee and this country have to understand that we need the best people in government today, and that is why we really need to concentrate on this issue.

I thank you for your willingness to serve and your sacrifice, and I want you to know I will do everything I can to help you. Thank you.

Chairman COLLINS. Thank you very much, Senator Voinovich. You have been a leader in Federal workforce development and we look forward to your continued contributions.

I see that I neglected to recognize another of our colleagues who is new to this Committee, Senator Shelby of Alabama. Because he has been so instrumental in homeland security and intelligence issues for so many years, it seems like you have always been a Member of this Committee. But we are delighted to have you.

I would now like to turn to Senator Levin for his opening statement. Senator Levin has been a stalwart on this Committee for many years and we work very closely and I look forward to hearing your remarks.

OPENING STATEMENT OF SENATOR LEVIN

Senator LEVIN. Thank you, Madam Chairman, and welcome, Governor Ridge. The challenge before you is massive. It has been outlined. I believe you are up to the job, and that is the most important conclusion for each of us to reach and I hope that you will be confirmed with great speed.

We have a lot of work to do on this Committee, in my judgment. Your work has been outlined. Putting together all these people and all these agencies and pieces of agencies is a huge job. But we have

some repairs to make in the underlying legislation already, repairs that seem to me to be quite obvious.

The most important one has to do with the analysis of intelligence, to make clear where that analysis must be done, first when it comes to foreign intelligence, and then when it comes to domestic intelligence, and then putting those together and comparing that to what information we have relative to vulnerabilities of our infrastructure.

Where is foreign intelligence going to be analyzed? It cannot be analyzed in two places. We will be lucky to do it well once. It has not been done well once. As a matter of fact, the intelligence failures before September 11 were massive. In my judgment, at least September 11 may have been avoided had those intelligence failures not been there. Where will foreign intelligence be analyzed?

In our bill, which came out of the Governmental Affairs Committee—it was a bipartisan bill—we focused responsibility for the analysis of foreign intelligence at the Counter-Terrorist Center. If that is going to be shifted, fine, but it has to be clear where it goes.

There is another issue. Where will all the domestic intelligence that we have be analyzed? FBI intelligence, all our Federal agencies, State and local intelligence, where is that going to be analyzed? We have to focus responsibility for that, as well, and it is a different issue, but it is a critical issue. Intelligence is going to have a greater and greater role to play. I think we all recognize that. Truly, our first line of defense is to gather the intelligence from thousands of places, analyze it correctly, and get it in the hands of the people that need it.

The few other things that we need to repair, I am just going to allude to and I will ask that my entire statement be placed in the record.

The Freedom of Information Act language has got to be clarified. We are denying the public unclassified information in the current law, which should not be denied to the public. We had a bipartisan compromise here which was included in our bill. Senator Bennett lead that effort. That was dropped in the final legislation. We must address that.

Whistleblower protection, we are not going to protect whistleblowers under the current law even though they blow the whistle on unclassified information. There is no reason why we should not protect whistleblowers. We will be more secure if we do. And again, I emphasize that we are talking about unclassified information that should not be shielded from the public.

The appropriations needs have been outlined by my colleagues. We have already fallen way short of what we committed to do relative to appropriations.

And finally, we need a central place where local governments and other organizations can come for information. One of the complaints that we hear regularly in our offices is that our local governments and other applicants for resources do not know where to go. Now, that may be cured in the long term. You will presumably have one phone number, one place where everybody can go to get information. But in the short term, in the next few months, because you and I have spoken about this in my office, it is important that there be one phone number where people can be at least tem-

porarily told where to apply for whatever resources we have available. There is a lot of confusion out there relative to those resources, huge needs. We need that centralized location.

Again, I look forward to your speedy confirmation, Governor. I think you are a wonderful selection for this absolutely essential position.

Chairman COLLINS. Thank you, Senator Levin. Senator Specter.

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. First, congratulations, Madam Chairman, on your Chairmanship. Congratulations on scheduling this hearing so promptly, just 2 days after you became the Chairperson.

I am delighted to be here in a dual capacity, to return to this very distinguished Committee and also to introduce our very distinguished nominee for Secretary of the Department of Homeland Security, and I think it is a superb appointment for a man with a superb career, and I will have more to say about Governor Ridge in a few moments.

I would pick up on the themes today about the importance of this new position on coordinating intelligence. This is definitely a job that needs to be done, evidenced by September 11. Exactly 1 month later, on October 11, Senator Lieberman and I introduced the legislation for a Department of Homeland Security. We were glad to see President Bush support the idea. This is really an historic occasion on your confirmation that I join in the wish that we will vote you Secretary today and waive the rules after this hearing is finished and the Senate is in session so that can be accomplished.

But I do believe that had all of the dots been on the big board, September 11 could have been prevented. There was the FBI Phoenix report about a suspicious man taking flight training, interested in take-offs but not in landings, the big picture of Osama bin Laden in his home. There was the Zacarias Moussaoui incident where the FBI applied the wrong standard for a warrant under the Foreign Intelligence Surveillance Act. There were the two men in Kuala Lumpur known to the CIA, not passed on to INS or the FBI, became two of the suicide bombers on September 11. There was the NSA report on September 10 that something was going to happen the next day. It wasn't translated until September 12.

So it is my hope that under your direction and under this institutionalized approach that we will be able to put all the dots on the board. From our extended discussions, you know of my concern that there be adequate authority for the Secretary to direct, and I had pursued that legislative purpose last November and withheld at the request of the President, you, and the Vice President so that the legislation would not be delayed. But I intend to pursue that amendment and I believe there are also some refinements that need to be made on labor relations on the issue of collective bargaining.

My red light just went up. I conclude.

Chairman COLLINS. Thank you, Senator Specter. Senator Durbin.

OPENING STATEMENT OF SENATOR DURBIN

Senator DURBIN. Thank you, Madam Chairman, and congratulations on your new assignment.

Governor Ridge, thank you for joining us. I am pleased that the President has asked you to serve our Nation as our first Secretary of the new Department of Homeland Security. It is a difficult job, but the President could not have picked a better person. We have been friends and colleagues for 20 years and I have been one of your greatest fans. I am happy to report to you that you already have my vote no matter what you say today—— [Laughter.]

And that I will enthusiastically and overwhelmingly support your quick confirmation by the U.S. Senate.

But I have some concerns about the birthing of your new Department and I want to express them openly and publicly today. Last year, Democrats and Republicans overwhelmingly supported the concept of this new Department, but we had our disagreements. One of those disagreements related to the question of employee rights in your new Department. I think you understand what happened to that issue in the last election.

Those of us who raised questions about the policy of this administration relative to employee rights had our patriotism questioned. In fact, one of our colleagues on this Committee, a fellow Vietnam veteran, a disabled veteran, had this as a major issue in his campaign, as to whether or not he was truly patriotic to America if he raised questions about employee rights.

I hope you will clarify today what your approach will be, and what your philosophy and values are. I see in your background that you once carried a union card. I think you understand, as I do, that on September 11 when those fire fighters went racing into the World Trade Center to their deaths, that they carried union cards in their wallets. They were professionals. They were Americans. They loved their country. No one who stands up for the rights of collective bargaining should have their patriotism questioned, yet that happened in the last campaign relative to your new Department. You can clear the air on that. I hope you will today, and share what your policy and philosophy will be.

I won't recount the long history of the creation of the Department on Capitol Hill. We had several conversations on the phone. But I will tell you, at the end, the bill came to us on a take it or leave it basis in the Senate. We were told there would be no amendments accepted on the Senate floor by the White House. I had an amendment relative to computers, the interoperability of information technology, and worked on it long and hard. It wasn't partisan. There was really nothing in it that I think could be labeled Democrat or Republican. The idea was to try to get the computers in our Federal Government to communicate with one another. You and I spoke about it. You called it a force multiplier, and I quoted you on the floor, because I think you are right.

Well, that section was not included in the bill. That amendment was denied. The White House wouldn't accept it. Now, we have the responsibility to make the Department work, and I have spoken to you about it and I hope that we can continue to work together to improve and modernize the antiquated computer technology in our Federal Government, and particularly as it relates to security and homeland security and fighting terrorism.

And finally, I am disappointed yesterday that we were unable to attract even one vote from the Republican side of the aisle to put

more money into homeland security. It appears now that the sky is the limit when it comes to defense spending relative to overseas security. I hope that this administration will not give us a hollow homeland security, though it tries to fund at very high levels all levels of military spending. I think we need both. We need a strong Nation abroad. We need a strong Nation at home. You have a particular responsibility there and I will work with you to achieve that goal. Thank you.

Chairman COLLINS. Thank you, Senator Durbin. Senator Sununu.

OPENING STATEMENT OF SENATOR SUNUNU

Senator SUNUNU. Thank you very much. Welcome, Governor. It is a pleasure to be here as a new Member of the Committee. It is a little bit unnerving, though, when my predecessor, Warren Rudman, is mentioned three or four times before I am even given the chance to speak. He is a good friend and I know he has done a lot of work leading up to the information gathering and the restructuring of the Department that you have in front of you.

Governor, I have been told that every member of the Senate, either secretly or maybe not so secretly, wants to be President. I haven't been in the Senate long enough to know if that is true, but I will admit to you, as a member of the House Appropriations Committee from time to time, we would take testimony from the NASA Administrator, the head of the NSF. I would envy their role a little bit, the challenges that they had in front of them, the issues that they were dealing with.

But I will tell you very bluntly, I can't think of anything in your job or your role or the challenges ahead of you that I envy at all. We have heard about the bureaucratic hurdles you are going to have to face, the complexity involved in this restructuring, the information technology challenges, the intelligence gathering and analysis that is going to have to be refined if we really want to do the best possible job of protecting the homeland, and, of course, the scope and diversity of the task in front of you. Those are enormous, daunting challenges. It is the most major reorganization of government certainly that has taken place in my lifetime, perhaps in the lifetime of all of the Members of the Committee here today.

So I wish you well. I will concur with my colleague on the other side that I will be happy to vote for you because you are the most qualified person that I can think to take on the job as Secretary.

I mentioned the scope and diversity of the challenge in front of you. In many ways, that is typified by my home State of New Hampshire. It is a small State, but many would say a very important State. But on an issue like homeland security, so many of the issues before you are well represented. We have a commercial port, we have a military facility, we have an international border, and, of course, we have all the aviation and commercial infrastructure that you are going to be called on to work to protect. I want to wish you well in that task, because it does make a difference, not just to our big urban areas, but to even the small States like New Hampshire.

I do agree with the statement that was made earlier that you are going to have to be willing to challenge the status quo to do that.

You are going to have to be willing to fight that bureaucracy. I think the phrase that was used is "rip up the bureaucratic turf." In making that point, I will underscore that that is precisely the reason we gave you the flexibility in putting the right people in the right place at the right time that we have given to other positions and Departments involved in national security.

The debate that took place on that issue was not a debate or discussion about patriotism, it was a debate and a discussion about the best way to allow you to shake up the status quo. I don't think anyone's patriotism was ever questioned on that issue. I think people's judgment or decision making was questioned. Is it right? Is it wrong? Is it in the best interests of the Secretary in the new Department of Homeland Security to give you that flexibility in hiring and firing personnel decisions?

But I think it was the right decision. I think it is one that I hope the Senate and the House will continue to stand by because we cannot confront the status quo, we cannot rip up the bureaucratic turf unless we give you the power and the authority that you need. Good luck.

Chairman COLLINS. Thank you, Senator Sununu. Senator Pryor.

OPENING STATEMENT OF SENATOR PRYOR

Senator PRYOR. Thank you, Madam Chair. I want to thank you for your leadership of this Committee and I look forward to working with you. Senator Lieberman, it is always great to be with you. I appreciate this Committee and look forward to addressing the challenges before it.

Governor Ridge, thank you for being here. I want to personally thank you for your time and your accessibility and availability to me as I have had questions. You have come to my office and we have talked about a lot of issues today. I want you to know, like Senator Durbin, you have my support today regardless of how the questioning goes. I am very impressed with your commitment, your vision, your leadership, and look forward to working with you.

I also must say that, like Senator Durbin, I do have some concerns about the organization and the restructuring. It is the largest restructuring of government in my lifetime and it does concern me that we do not really know how it is going to come out on the other side. We discussed this the other day, so that is no surprise.

Again, thank you for being here and I appreciate your time. Also, like Senator Lieberman, I am a former Attorney General of my State and I know that we both share special concern for State and local government, State and local law enforcement and other agencies who are partners in this, and you have acknowledged that as we talked before and in some of your other statements that have been prepared for today. I appreciate that.

I just look forward to working with you in this endeavor and look forward to working with this Committee during this term of Congress.

Chairman COLLINS. Thank you. Senator Bennett.

OPENING STATEMENT OF SENATOR BENNETT

Senator BENNETT. Thank you, Madam Chair, and I add my congratulations to you on your rapid ascension from staffer to chair—— [Laughter.]

With a couple of elections thrown in between that helped that process.

Governor and soon to be Mr. Secretary, I also will tell you of my determination to vote for you, both in the Committee and on the floor today if we can get the rule set aside to get you confirmed by the close of business. You have seen a little bit of a replay of previous debates within this Committee prior to the passage of the legislation and people are trying to remake points that they made prior to the passage of the legislation, perhaps in hopes of reopening the legislative statement and trying to win fights that they lost last time.

The one thing that I would say in this opportunity to speak through you and through this hearing to the American people is that all of us need a significant cultural change. We thought as a Nation that we were safe between two oceans. We found out on September 11 that we were not.

The inertia of the old way of doing things will be enormously difficult to change. When people talk to me about the inertia of the civil service, they usually talk about the inertia at rest. A body at rest tends to stay at rest until moved upon by an outside force. My experience is that the far greater inertia is the inertia of motion. A body in motion tends to stay in motion and in the same direction unless there is some sort of outside force exerted upon it.

You are taking upon yourself the challenge of exerting an outside force on the inertia of motion in a whole plethora of agencies where the culture is, the only thing they like better than things the way they are is things the way they were. To get them all together in the same direction, in a new direction that will challenge the culture of complacency that existed in the government, in the country as a whole, in States, local communities, first responders, everybody used to doing business the way they had always done business, is a challenge that will, frankly, extend beyond your tenure. All you can do is the very best you can to make the first changes in the outside pressure to change the inertia and get things going in the same direction.

We in the Congress love inertia. We are firmly wedded to the 19th Century way of doing things. We think it is just wonderful. We have got to face the challenge of how we reorganize ourselves around this new circumstance. It is not a new circumstance, it just came newly to our awareness on September 11.

So as we address the question of how the Congress is organized, about how many committees you have to testify before, about how many people will claim jurisdiction over how many parts of your Department, we need to recognize the whole new culture of the world in which we live. Americans are not used to living in a society that is under threat. It is going to take us a while to get to understand that.

People say this is the most dramatic and far-reaching reorganization since the reorganization of the entire defense and intelligence establishment at the end of the Second World War. The Defense

Department still did not function properly until after the passage and absorption of the lessons of the Goldwater-Nickles Act some 20-odd years after the creation of the Department.

I hope we can do better than that. I hope we can change the inertia faster than that. But the first responsibility to exert the first force on the inertia of motion falls to you, and instead of complaining about this or that that we didn't get when we tried to create the Act, we should all, regardless of party, regardless of experience, recognize the new culture that we face and do our best to join with you to bring some outside force to bear on the inertia of motion to try to cause things to be done a little differently.

I congratulate you. Thank you for your willingness to accept what some evenings will seem like a very thankless task as you drive home in the dead of night and wonder, "Why in the world did I ever agree to do this?" But it is because of your willingness to do this and other Americans' willingness to do this that this country moves forward in the right direction, and we are honored and blessed by your willingness to undertake this assignment.

Chairman COLLINS. Thank you, Senator Bennett. Senator Akaka.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Thank you very much, Madam Chairman. In the interest of time and per your request, I ask that my longer statement be placed in the record.

Chairman COLLINS. It will be, without objection.

Senator AKAKA. Madam Chairman, I want to congratulate you for your ascension to the leadership of this Committee and I want to wish you well and tell you that I am looking forward to working with you.

Chairman COLLINS. Thank you.

Senator AKAKA. Governor Ridge, I am so glad to have you here this morning. I offer my sincere congratulations to you on your nomination to be Secretary of the Department of Homeland Security. You and I served together in the House and we did a great job there. I congratulate you and thank you for your service there and your future service.

I was pleased to meet with you last week to discuss the future of the Department and I thank you for your time. As I told you, as far as I am concerned, your temperament is right and you are the right man for the job. You have my support.

I want to share with you four concerns. First, the cost of creating this new Department cannot be at the expense of our fundamental freedoms and I urge you to take every precaution to uphold the rights of citizens.

Second, we cannot afford to lose the critical non-homeland security missions of the agencies being merged into the new Department. For example, the Office of State and Local Coordination should rationalize and simplify Federal, State, and local coordination for all emergencies and disasters. There is a clear need for this, as I hear from officials in Hawaii who are unsure of whom to contact or what programs are available as they realign their natural disaster and terrorism response systems.

Third, as we further protect America by reorganizing the government, we must not overlook the fundamental rights of the Federal

employees, as Senator Voinovich just noted. The Department should not be used as a vehicle to advance untried management initiatives nor erode the rights currently afforded to Federal workers. They deserve the right to collective bargaining, a fair grievance system, equitable pay and protection from retaliation for disclosing waste, fraud, and abuse. I urge you to ensure that Federal employees actively participate in the development of any new personnel management system adopted by the Department

My fourth and final concern is shared by many Americans. In the aftermath of September 11, there is a strong sense that there was a collective failure to respond to intelligence reports suggesting threats against America. In creating this Department, I think Congress is sending a clear message to you, as the one who is in charge of ensuring not only an assessment of the threat, but the reaction to it. We do not need another agency to analyze the danger. We need an agency to understand and respond to domestic dangers.

Governor Ridge, as I said, you have a huge task before you. I commend you for accepting the tremendous responsibility of leading this new Department. I look forward to working with you and my colleagues in protecting the people and assets of our great country. I wish you well, and God bless you.

Chairman COLLINS. Thank you, Senator. Senator Coleman.

[The prepared statement of Senator Akaka follows:]

PREPARED STATEMENT OF SENATOR AKAKA

Thank you, Madam Chairman.

Governor Ridge, I offer my sincere congratulations on your nomination to be Secretary of the Department of Homeland Security. You and I served together in the House of Representatives, and I want to thank you for your continued service to our country. You have an enormous and historic task before you in leading this new Department. Although I voted against the Homeland Security Act for several reasons, I want you to know that I stand prepared to help you as much as I can to ensure the creation of the new department enhances our security. I was pleased we got together the other day to discuss the future of the department.

I want to raise four concerns in my opening remarks.

First, the cost of creating this new department cannot be at the expense of our fundamental freedoms. The Department's mission to help prevent—protect against—and respond to—acts of terrorism is clear. To accomplish these goals, the Department plans to collect, coordinate, and store vast amounts of personal data.

Legitimate fears have been raised that the price of security may be our constitutional freedoms. Those freedoms are essential to the preservation of our democracy. I urge you to take every precaution to uphold the rights of citizens.

Second, we cannot afford to lose the critical non-homeland security missions of the agencies being merged into the new department. I am particularly concerned that resources going to first responders, including the Federal Emergency Management Agency and the Coast Guard, may be sacrificed.

This is not a zero sum game. Enhancing traditional missions will also enhance domestic security. For example, the Department's Office of State and Local Coordination should rationalize and simplify Federal, State, and local coordination for all emergencies and disasters. There is a clear need for this as I hear from officials in Hawaii who are unsure of whom to contact or what programs are available as they realign their natural disaster and terrorism response systems.

Third, as we further protect America by reorganizing the government, we must not overlook the fundamental rights of our Federal employees, who will staff this new agency.

The Department should not be used as a vehicle to advance untried management initiatives nor erode the rights afforded to Federal workers. They deserve the right to collective bargaining, a fair grievance system, equitable pay, and protection from retaliation for disclosing waste, fraud, and abuse. These rights complement our ability to safeguard the country. Federal managers need the skills—and training to ac-

quire new skills—to effectively carry our the merging of so many agencies and accompanying personnel changes.

As you stated in response tot he Committee's questionnaire, "the focus of the new personnel system of the Department of Homeland Security should be on putting the right people, in the right jobs, with the right pay and incentives to ensure they are the most effective government employees they can be."

I have a slightly different expression which I used in testimony before the National Commission On The Public Service: "A strong workforce comes from having the right people with the right skills in the right place at the right time. Only then will government operate in an effective, efficient, and economic manner." I am sure you will all agree with me on that as well.

In addition, the right solution for civil service reform will require strong leadership and must complement the Federal merit system.

I urge you to ensure that Federal employees actively participate in the development of any new personnel management system adopted by the Department. With about half of all Federal employees eligible for retirement over the next 5 years, employees transferred to the new department must feel secure in their work environment. Otherwise, we can expect a sizable number of them to choose retirement over employment.

I share my fourth and final concern with many Americans. In the aftermath of September 11, there is a strong sense that there was a collective failure to respond to intelligence reports suggesting threats against America. The House and Senate Joint Inquiry into the Terrorist Attacks of September 11 found that these reports "did not stimulate any specific Intelligence Community assessment of, or collective U.S. Government reaction . . ."

In creating this Department, I think the Congress is sending a clear message that *you* are in charge of ensuring not only an assessment of the threat, but the reaction to it.

It should not be the responsibility of the directors of the FBI or the CIA, although their agencies will be involved.

It is the Department of Homeland Security which must follow up on reports and ensure the appropriate response.

We do not need another agency to analyze the danger. We need an agency to understand and respond to domestic dangers.

Governor Ridge, we have a huge task before us. Again, I commend you for accepting the tremendous responsibility of leading this new department; and I look forward to working with you and my colleagues in protecting the people and assets of our great country.

Thank you.

OPENING STATEMENT OF SENATOR COLEMAN

Senator COLEMAN. Thank you, Madam Chair. It is a great pleasure to be here, my first Committee meeting with you. I join with others in applauding you for your leadership in scheduling this hearing so quickly. We should move on with this nomination quickly. We should get it done. America needs it. And I will be with you, Governor Ridge, and look forward to working with you.

I also ask that my prepared remarks be placed in the record.

Chairman COLLINS. Without objection.

Senator COLEMAN. Just let me raise two issues. The Governor and I had a chance to discuss these yesterday. Before the opportunity to serve here, I spent 8 years as mayor of St. Paul. I have a deep appreciation of the role of first responders, police, fire fighters, emergency medical service personnel, and others in providing defense of our Nation. Homeland defense is what it says it is. It is not Washington defense and it is not Federal defense. It is homeland defense.

Shortly after September 11, the Nation's mayors got together, and it was fascinating to me that the biggest concern was not necessarily about money—for mayors it is almost always about money—but it was also about communication. It was about those

at the Federal level having a relationship with those at the bottom of the political food chain, having an understanding of what is going on at the local level, and getting the information to the local level so those on the front line of homeland security can do their job well.

I have no doubt that Governor Ridge understands this. He has served at the State level. He has worked hand-in-hand with those at the local level. If we can understand that the things we pass here, whether it be financial resources or even things that we do in terms of information, if we can do a better job of connecting with those at the local level, America will be more secure.

The next act of terrorism—unfortunately, everything I hear suggests there will be a next act of terrorism—will test the resolve of this Nation and our ability to respond. Governor Ridge, I think America and our country has great leadership with you at the helm of the Department of Homeland Security and I am very confident that we will do the best we can do. I look forward to working with you.

[The prepared statement of Senator Coleman follows:]

PREPARED STATEMENT OF SENATOR COLEMAN

Madam Chairman, Senator Lieberman, I am honored to be with you here today. This has been an incredible journey for this Senator from Minnesota—and today, in attendance and participating in my first hearing in the U.S. Senate, I continue to be humbled and honored.

Today, we sit on the threshold of change far greater than any we have witnessed in our lifetime. Madam Chairman, Senator Lieberman, Members of this Committee—the importance of moving quickly to confirm the nomination of Tom Ridge as the Secretary of Homeland Security cannot be overstated.

I applaud you for your leadership in scheduling this important hearing.

Prior to my service here in the U.S. Senate, I served 8 years as the Mayor of Saint Paul, Minnesota. In this role, I came to understand the unique and critical role of our Nation's public safety personnel in the defense of our Nation.

As a former Mayor, I understand that the challenge facing our local units of government isn't a lack of commitment or qualified people to help us to defend our homeland. The challenge facing them is all too often a function of a lack of coordinated Federal, State, and local resources.

Shortly after September 11, I met with other mayors from across the Nation in Washington, D.C. as part of the U.S. Conference of Mayors meeting to address the challenge of terror in America.

Without question, the number one issue that concerned all of us wasn't just money—it wasn't just resources—it was also communications and coordination.

Governor Ridge, during his tenure, has shown that he heard the concerns of mayors by working with local units of government to communicate—and to fight hard to make sure important resources made their way to the local level.

We have, rightly so, invested critical dollars into the defense of our Nation. The passage of the Homeland Security Act last year, which established the creation of the Homeland Security Department, was a historic moment in our Nation's history.

This department must find ways to use the vast resources of this Nation—the dollars, the people, and the infrastructure—to defend our shores from the villains of the world who would, and have, killed our innocents—attacked our liberty—and seek to rob us of our freedoms.

I am so pleased that Governor Ridge will be the person who will lead our Nation through these troubling times as the Director of the Homeland Security Department.

I know Governor Ridge. He has a history of leadership representing the State of Pennsylvania as a Member of Congress, and as Governor. Yesterday, I had the opportunity to visit with him. I shared my perspective as a Mayor on the situations our Nation has been through, and being a Governor, he understood. Together, we discussed the importance of having State and local entities that are prepared and ready to assist their communities in a time of need.

Since President Bush requested Governor Ridge's service to the Nation as leader of our efforts to reorganize our government to effectively battle the forces of terror, he has made great strides towards making our Nation safer and more secure.

I am so appreciate of the understanding that Governor Ridge has of the unique role of local governments in making the efforts of the Department of Homeland Security successful.

Important resources must make their way from the appropriations bills we pass—to the local units of government that need them to protect our Nation. Our first defense is our best defense—and those defenses are our Mayors—our Fire Chiefs—our Police Chiefs—and the men and women who serve our Nation in the uniform of police and fire and first responder.

Governor Ridge understands that nothing we do in Washington can replace the knowledge of local communities to best defend themselves.

And, the safer and more prepared our local communities, the safer and more prepared is America.

American cities and their leaders need funding for more training—more equipment for their personnel—and adequate facilities to care for victims of potential acts of terror.

The next act of violence against our Nation will test our ability to respond and manage the crisis brought about by the cowardice of terrorists.

We need a Nation prepared—and a Nation united.

Governor Ridge has shown that he can bring us together to be better prepared to not only respond to terror—but to work hard to stop it before it begins again.

Chairman COLLINS. Thank you. Senator Lautenberg.

OPENING STATEMENT OF SENATOR LAUTENBERG

Senator LAUTENBERG. Good morning. This is our first time to meet, Governor, and I look forward to seeing you at work, doing the job, the task that you have been assigned to with the full confidence that it is going to be done well.

Madam Chairman, if they are not contradictory terms, we thank you for getting this hearing underway and for the opportunity to join this Committee. You have an important work schedule ahead of you and for all of us, and we are grateful that you are going to do it. This Committee has a reputation for bipartisanship and I hope that the Majority and the Minority will be able to continue working in that fashion.

I am forced to make reference to a couple of remarks that have been made about the Senate liking inertia, and I take it from the distinguished Senator who works very hard that you could not get votes for inertia around here, let me tell you. There is a lot more, really, and I know that it was said in jest.

The other thing, on a personal basis, was that one Senator's opinion was that everybody in the Senate was looking perhaps at the Presidency one day. Well, I can just say this. I want to take myself out of it. [Laughter.]

A few more terms in the Senate will satisfy me. [Laughter.]

The subject is one that all of us are focused on and have to pay attention to, hear the concerns of our constituents coming from New Jersey, Governor Ridge, as you know, because we are neighbors and because you are so up to date on what the aftermath of September 11 was.

I was the Commissioner of the Port Authority before I came to the Senate, and that icon of power and responsibility, economics and finance, was torn apart in front of our eyes, an almost unbelievable circumstance. And the impact left a wound that will take many years—decades—to repair.

So what needs to be done is to take a bunch of disparate elements, and I say the word without criticism, disparate, because the assignments are so different, and bring them together under your leadership, and I believe that you are going to be able to get that done.

The one thing that has to happen, it has been mentioned, Senator Durbin and others brought up, and that is that as we try to establish a cohesive, functioning unit, that we don't trample on people's rights, whether it be labor rights, civil rights, and so forth, and I am sure that with your experience, you will be conscious of that all the way.

In keeping with the Chairman's request to make this short, I am going to do exactly that. I will close with one notion, and that is that the State of New Jersey, having lost over 700 of its residents, an impact throughout our communities, not just the communities in the immediate region, because we are accustomed to long commutations in New Jersey. It is a crowded State, and finding places to live and places to work don't always work out to the best convenience. The economic impact, the emotional impact were all so severe.

We have in New Jersey a fantastic facility if the Department of Homeland Security needs facilities where they can accommodate lots and lots of people, have research facilities. I am talking about the area around Atlantic City where we have our FAA research plants. There is some wonderful work being done, that has been done and completed there in aviation security in terms of things like bomb-proofing cargo containers and things of that nature, very much akin to the assignment of searching for and finding ways to fight this terrorist menace that we see, so I offer that as a suggestion. We have got airports and harbors and all of the good facilities necessary to accommodate it.

I close with comfort that your experience as Governor, your commitment to the country augers well for all of us. I wish you success, and if there is any way that this Senator can be of help, and I am sure I speak for all of my colleagues, on an individual basis, I hope that you will call on me. I intend to call on you and offer services and to raise the questions that we would all like answered. I wish you well.

Chairman COLLINS. Thank you. Senator Shelby, thank you for your patience.

OPENING STATEMENT OF SENATOR SHELBY

Senator SHELBY. Thank you, Madam Chairman. I am glad to be here after 8 years on the Senate Intelligence Committee, and I will be brief.

I am here to support Governor Ridge, both here and on the floor. I am also going to support you with appropriations, Governor.

I have one quick observation. We have talked about this many times. I personally believe the success of homeland security will depend, for the most part, on what type of intelligence analysis center you put together. If we look back on all the failures in intelligence, it is the failure to share intelligence. You can put together here a fusion center where all of the intelligence comes in, where your people can analyze and then disseminate the intelligence.

You can have all the people in the world. You can have all the resources in the world. But I believe if you don't do this, your mission will fail. We want you to succeed, you understand that, and I believe you will do something about it. Thank you.

Thank you, Madam Chairman.

Chairman COLLINS. Thank you, Senator Shelby.

Senator Carper, we have about 1 minute left on the vote. We have called the floor, but please proceed.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thank you. Madam Chair, I am delighted to be here today for this coronation—rather, confirmation of Governor Ridge. [Laughter.]

I, too, join my colleagues in congratulating you on your new position of leadership on our Committee. You have a tough act to follow, but I am confident that you are certainly up to that job and I look forward to working with you, just as I have now for 20 years with Governor Ridge.

He and I, 20 years ago this month, along with Senator Durbin, were raising our right hands, took an oath of office to defend our country and constitution and joined the House of Representatives as part of the class of 1982. Before that, we served at the same time over in Southeast Asia for a while. I was privileged to help lead one of our Banking subcommittees with him during the time we served in Congress and to serve as members of the National Governors Association.

A lot of people here said that you have their vote even before you open your mouth. I think if we are really your friends, given the magnitude of the job that you are undertaking, we should all object to your taking on this role because it is a tough one. But the President has chosen well and I think you have been well prepared by your life experiences, not the least of those being a husband and father, along with everything else that we have talked about.

Should you be confirmed, and I am starting to think you just might be, even today, the tasks that you have before you are, indeed, daunting. Congress has given you a Department, at least on paper, that should be able to prevent and respond to terrorist attacks more effectively than our government can today or last year or the year before. We have authorized the transfer of dozens of agencies and tens of thousands of workers and outlined the skeleton of an organization that should be able to pull together under one roof information on threats and vulnerabilities and use that information to improve security and prepare our first responders.

Very little of what we have outlined, though, will be in place on day one—this could be day one—and a number of outstanding questions remain. Will the Department have access to the kind of intelligence it needs? We have talked about that and others have expressed their interest, as well. Will the intelligence community be capable of doing what it needs to do to get the Department information? And will the administration and Congress be willing to provide first responders with the level of aid that they need?

While it is early in the transition process, I do hope we can begin to find some answers to these questions today and look forward to your comments and statement in response to our questions.

Both in this Committee and on the Senate floor, we had a healthy debate over the details of how the transition to a Department of Homeland Security should work. I know some of my colleagues are uncomfortable with some of what we have wound up with and they have indicated as much here. I have some reservations, too, that we have discussed. But having said that, I know we are ready now to put aside any disagreements we may have had and do what is right and in the best interests of our country.

On a personal note, I again thank you for your service to this country on many levels. I thank Michele and your son and your daughter for their willingness to share with this Nation a very good man.

Chairman COLLINS. Thank you, Senator Carper. The Committee will be in a brief recess.

[Recess.]

Chairman COLLINS. The Committee will come to order.

I would like to call on Senator Dayton for any opening comments that he might have before we turn to the nominee.

OPENING STATEMENT OF SENATOR DAYTON

Senator DAYTON. Thank you, Madam Chairman. Congratulations to you on your chairing this Committee. I look forward to serving under your leadership.

I will have to leave shortly because I am going to a briefing with CIA Director Tenet regarding a CODEL with Senator Warner and Armed Service Committee members leaving tomorrow morning, but I have already expressed to the Governor my very strong support for his nomination. I commend you, sir, for your dedicated service to our country and your leadership. You have a Herculean task ahead of you. I have expressed some of the areas, such as INS, where I think that your leadership is going to be particularly important.

I just wish you well and ask that you share with this Committee and with the Congress whatever needs you have and bring this together as rapidly as possible. If it is a new computer system that integrates all these agencies and divisions, whatever it is, please let us know. You have my full support.

Madam Chair, that is all I have to say. Thank you.

Chairman COLLINS. Thank you, Senator.

Senator CARPER. You are not prepared for that amount of brevity, are you?

Chairman COLLINS. It was refreshing. [Laughter.]

Governor Ridge, I know that Senator Specter and Senator Santorum hope to join you, but in the interest of time, we will proceed.

I do want to explain that you have not been deserted by your Republican colleagues. There is a Republican conference going on. Senator Santorum is the chairman of that conference, so it is very hard for him to be in two places at once, but I know they would want me to ask you to proceed. So if you would please proceed with your opening statement after I administer the oath. Our Committee rules do require that all witnesses at nomination hearings give their testimony under oath. If you would raise your right hand.

Do you solemnly swear to tell the whole truth and nothing but the truth, so help you, God?

Mr. RIDGE. I do.

Chairman COLLINS. Thank you.

TESTIMONY OF THOMAS "TOM" J. RIDGE,[1] TO BE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. RIDGE. Madam Chairman, Senator Carper, to you and to your colleagues and to the Ranking Minority Member, Senator Lieberman particularly, I want to thank you for moving so expeditiously to schedule this hearing.

I also think it is very appropriate at the outset, having been a member of the Congress for 12 years to note the speed with which the Congress dealt with the legislation that created the Department of Homeland Security. It is referred to as an historic reorganizational effort, but the time frame in which the Congress deliberated, decided, and submitted the final measure to the President is also historic and I think Congress needs to be commended for that, as well.

I think one of the reasons behind such a rapid assessment of need and creation of this Department was that the Congress and the executive branch realized that the current structure of our government limited our ability to protect America. Now, for the first time, we will have a Federal Department whose primary mission is protection of the American People.

Chairman COLLINS. Governor Ridge, pardon my interruption, but Senator Specter has just arrived and I know he has a very eloquent introduction of you planned, so since you are right at the beginning, I am going to ask you to suspend and I will call on Senator Specter for a formal introduction that you deserve.

Senator SPECTER. Thank you very much, Madam Chairman. I had arrived before 9 o'clock to undertake this pleasant opportunity to introduce one of America's really great patriots and a longstanding friend of mine, and then as the events of the Senate unfold, my schedule is somewhere between uncertain and catastrophic. [Laughter.]

One of the facts of life is that when even a cabinet officer of this rank and a man of this distinction appears, the opening statements are interminable. [Laughter.]

And then we have the votes which come and then we had two votes, and the two votes to be only one vote and a voice vote. So the scheduling is very difficult and I wish I had been here to precede the opening of what Governor Ridge has had to say, but I thank you, Madam Chairman, for permitting me to come in at this stage.

Tom Ridge's career resume is the great American success story, very humble beginnings. A number of us share humble beginnings, but Tom's were truly humble. As he rose through the educational process, he went to Harvard and then Vietnam as an enlisted man, and then on to Dickinson Law School. He was an outstanding lawyer, could have had a very lucrative law practice at any stage of

[1] The prepared statement of Mr. Ridge appears in the Appendix on page 61.
Biographical and professional information appears in the Appendix on page 71.
Responses to pre-hearing and post-hearing questions appears in the Appendix on page 83.

his career, especially now. He went on to be a prosecuting attorney, where great skills are acquired. In the criminal courtroom, there is an opportunity for analysis and questioning and organization and summation and case presentation, which is truly remarkable.

I don't know if Governor Ridge has had my experience, but people sometimes say to me, what is the best job that you have had, D.A., Senator, what not? I always give the same answer. The best job is Assistant District Attorney because of the skills which can be developed there, and I see them in Governor Ridge as I have worked with him and watched his career.

He was elected to the House of Representatives in 1982, then elected Governor of Pennsylvania and one of the Nation's most successful governors. If it weren't for Governor George W. Bush, I would say the Nation's most successful governor, but perhaps one of the two Nation's most successful governors. He was reelected in 1994, and then reelected in 1998 by a landslide.

When President Bush called on him to take on the job of homeland security as an advisor, he said yes instantaneously and he left at the crest of the tidal wave in the Governor's office to come down to a very difficult milieu in this turf town. He has done very well in the kinds of considerations, the infighting, the razor blades on everybody's elbows around here. It is pretty tough on the Senate floor, but even tougher, I think, in the Executive Branch.

He has moved over to take on the job as Secretary, and he does that as a call to duty. I know, because—I won't tell you why I know, but I know he has done this as a call to duty. He has got a road ahead of him where he is going to require the help of Madam Chairman, which you have pledged this morning, and all the Members of the Committee who pledged.

And this business about being able to direct the analysis, I think, is critical to the future success of America, because I do believe, and I will not go into the details now, that had all those dots been put on the board, September 11 could have been prevented, and this is the man to do the job. But there has to be a little change, a little change in the statute which gives him the power to direct. He has got to be able to direct all of the intelligence agencies, the CIA and the FBI and the Defense Intelligence Agency, he has got to be given budget authority.

If this man is given that authority, I think we can expect the best, not necessarily that it is going to be perfect. Who can tell in the age of terrorism? It is like finding a tiny needle in a gigantic haystack, but this man can do the job.

I am really delighted to introduce him. It is a great moment for Pennsylvania, for Erie, Pennsylvania. Tom Ridge ran on a slogan, a guy nobody knows from a place nobody has ever been to. [Laughter.]

Senator SPECTER. But Erie is very proud of him and Pennsylvania is very proud of him and America will be very proud of him. Congratulations, Tom.

Chairman COLLINS. Thank you, Senator Specter. I would note that the Commonwealth of Pennsylvania has a strong tradition of producing outstanding public servants and we have two of them here with us today.

Senator SPECTER. And now, Madam Chairman, I am going to resume my other role so I can question the nominee. [Laughter.]

Chairman COLLINS. Governor Ridge, would you please proceed.

Mr. RIDGE. Thank you again. Once again, Madam Chairman, I think it is appropriate to commend Congress for pressing forward and taking the very bold steps necessary to establish the new Department of Homeland Security. Together, the Congress and the Executive Branch realized that the current structure of our government limited our ability to protect America in spite of the best efforts of the men and women working in these different agencies. So now, for the first time, we will have a Federal Department whose primary mission is the protection of our way of life of our fellow citizens.

There is complete agreement between the President and the Congress about our responsibility as public servants to ensure the success of this new Department. We have worked together successfully during this past year, and I say as a result, America is a safer place today than on September 10, 2001. Together, we have taken steps to protect America, from pushing our maritime borders farther from shore and professionalizing airport screening, to developing vaccination plans and tightening our borders.

Public servants at all levels of government, private sector employers, companies, and citizens all across the United States have changed the way in which they live and work in a unified effort to improve our security since the September 11 attacks. Yet, in spite of all that has been achieved, we are only at the beginning—let me say that again. In spite of everything we have done, we are only at the beginning of what will be a long struggle to protect this country from terrorism.

Terrorism directly threatens the foundation of our Nation, our people, our freedom, our economic prosperity. We face a hate-filled, remorseless enemy that takes many forms, hides in many places, and doesn't distinguish between innocent civilians and military combatants.

While much has been accomplished, there is much more work to do. Our country is built from ingenuity and hard work. In spite of our success, we certainly can't rest upon it. We will and must stay focused. We will and must stay vigilant.

With your help, with the direction provided by the President's National Strategy for Homeland Security, I certainly believe we are up to the task. The strategy provided in the President's National Strategy will help organize and mobilize the Federal Government, in partnership with the States and local governments, as well as the private sector, behind a three-part mission: Prevent terrorist attacks, reduce our vulnerability to those attacks, and minimize the loss of life and maximize the speed with which we recover from an attack.

The Secretary of the Department of Homeland Security is only one individual who, without the support of the dedicated men and women who go to work every single day in the 22 departments we are talking about, many of them who risk their lives daily, will not succeed. Should I be confirmed as the Secretary of the Department of Homeland Security, and after the many kind words today I am fairly optimistic, at least I am hopeful, I will go to work every

morning knowing that new funding, technology, equipment are important, but no more so than the people who willingly serve and have been serving in the agencies and units that make up this new Department.

We must not forget the enormity of our task or their task. This is the largest and most significant transformation of government in over a half-century, as your colleagues have mentioned. We are not naive to the challenges of merging 22 separate work cultures, operating procedures, and management procedures into one comprehensive organization.

The new Department will not, as has also been observed by Members on both sides of the aisle, the new Department will not in and of itself be able to stop all attempts by those who wish to do us harm. We must realize the value of cultivating partnerships, partnerships with Federal agencies, State and local government, the private sector, and the American people.

As a former governor, I am keenly aware of the shared responsibility that exists and will continue to exist between the Federal, State, and local governments for homeland security to be effective. One of the fundamental principles we have operated under during my tenure as the Assistant to the President for Homeland Security I think sums up our basic challenge. When our home towns are secure, our homeland is secure.

I am pleased to report that all 50 States and the Territories have appointed Homeland Security Advisors, that they participate regularly in meetings at the White House, and in bimonthly conference calls with the Office of Homeland Security. We have, for the first time, created a single entry point to address many of the homeland security concerns of our governors and mayors and local officials.

We recognize again that in spite of that, much more needs to be done. We recognize that State and local governments must be engaged. They must be supported. We must develop and sustain new channels of communication and partnerships with private sector organizations. The new Department must provide clear, concise, scientifically sound, and easily accessible information so American citizens can be prepared in the event their community is affected by a terrorist act.

To accomplish this mission, the new Department of Homeland Security will effectively refocus and reorganize the functions of its 22 agencies into one coherent organizational structure. Now, as you all know, the Department will include four directorates, Border and Transportation Security, Information Analysis and Infrastructure Protection, Emergency Preparedness and Response, and Science and Technology. The Coast Guard and Secret Service will retain their independence and play key roles in supporting all of these critical missions. I would like to just share with you briefly a sense of how these four directorates will support the overall mission of protecting the homeland.

America has historically relied on two vast oceans and two friendly neighbors for border security. Our country has long cherished its identity as a Nation of immigrants. However, the sheer volume of those wishing to enter our great country, coupled with the burden of processing all the information that is associated with that, without the ability to quickly garner relevant information

about these individuals from Federal agencies, has severely taxed our border security apparatus as well as our immigration system. Even before September 11, it was apparent that this country could no longer determine who exactly was in our country and why were they exactly here.

The new Border and Transportation Security Directorate will be organized to meet two strategic goals, as directed by the Congress, improving border security while at the same time facilitating the unimpeded flow of legitimate commerce and people across our borders. By separating the Immigration and Naturalization Service into one function for enforcement and one for services, we can greatly improve services for applicants and be in a much better position to ensure full enforcement of the laws that regulate the flow of immigrants into our country.

The integrity of our borders goes hand-in-hand with the security of our transportation systems. Today, Americans, and for that matter the world, are much more mobile than ever before. We enjoy the freedom to go where we want, using the best transportation system in the world. This efficient transportation system is one of the engines that drive the economy, domestic and international. Shutting down that engine is not a viable option, but the destructive potential of modern terrorism requires that we rethink fundamentally the security of that transportation system, because virtually every community in America is connected to the global transportation network by seaports, airports, highways, railroads, and waterways.

We have shown significant progress in securing our Nation's airports, thanks to the vision and support of the Congress of the United States, as many have commented before on both sides of the aisle. The Transportation Security Administration has hired, trained, and deployed a new professional Federal screening workforce that is focused on providing the highest levels of security without hindering our aviation system.

We need to build on that success, but at the same time realize there is much more progress to be made in other modes of transportation. We must take steps to secure our Nation's ports. Programs like the U.S. Customs Container Security Initiative are helping nations spot and screen the highest-risk containers. Operation Safe Commerce focuses on business-driven initiatives to enhance security for the movement of cargo through the entire supply chain.

And most recently, Congress passed the Maritime Transportation Security Act, which gives authority to the Coast Guard and Customs Service to develop procedures for screening and conducting port vulnerability assessments. Our goal must be to ensure that our seaports are open for the flow of goods and commercial traffic and closed to terrorists. We must enhance our risk management efforts and implement practices that allow for higher-efficiency screening of goods. Heightened security should not be an obstruction to legitimate and, hopefully, increased trade.

We must realize, however, that our enemy will choose their targets deliberately based upon our weaknesses and our defense and in our preparations. So to counter this threat, the Information Analysis and Infrastructure Protection Directorate will, for the first time, bring together under one roof the capability to identify and

assess threats to the homeland, map those threats against our vulnerabilities, issue warnings, and then provide the basis from which to organize protective measures to secure the homeland. This means that the new Department will participate at all levels with the CIA, the FBI, the NSA, the intelligence community generally, as well as other foreign and domestic intelligence sources to get the intelligence information we need to get the job done.

More than just countering each identified threat, the Department will implement a long-term plan for protecting America's critical infrastructure network that encompasses a large number of sectors, ranging from energy and chemicals to banking and agriculture.

In the past year, the Office of Homeland Security made this a top priority and began working with the Federal lead agencies for each of the 14 critical infrastructure sectors. This, too, however, is just the beginning. As information is collected and mapped and matched against critical infrastructure vulnerabilities, our top priority must be to get this information to those Federal, State, and local officials who represent the first line of defense against a terrorist attack. We must make it a priority to keep them informed, keep them aware, keep them engaged.

Our Nation's three million fire fighters, police officers, and emergency service technicians are the first on the scene in a crisis, and as we all know, they are the last to leave. They are living proof that homeland security is a national, not just a Federal, effort. We must give these brave men and women all the assistance and support we can, as well. We will build on the strong foundation already in place with the Federal Emergency Management Agency, which for decades has provided command and control support and funding support in disasters, whether caused by man or Mother Nature.

The new Emergency Preparedness and Response Directorate will consolidate at least five different Federal response plans into one genuinely all-hazard plan, the Federal Incident Management Plan. This will eliminate the artificial distinction between crisis management and consequence management.

In a crisis, the Department will, for the first time, provide a direct line of authority from the President of the United States to the Secretary of Homeland Security to a single on-site Federal Response Coordinator. In doing all this, we will build the capabilities for a proactive emergency management culture, one that is well planned, one that is well equipped to not just manage the risk, but it is obviously our job to reduce the risk, as well.

We must also realize that our Nation enjoys a distinct advantage in science and technology, and just as technology has helped us defeat enemies afar, so, too, will it help us to protect our homeland. Now, for the first time, the Science and Technology Directorate will harness America's ingenuity, its innovation, and its creativity. It will form new partnerships with the private sector and the academic community to develop and deploy homeland security technologies that will help us make America safer. This directorate will streamline access to technical resources of the private sector, academia, and the Federal Government for countering chemical, biological, radiological, and nuclear attacks.

We also understand, as so many Members have mentioned in their opening statements, before any new homeland security technologies are deployed, we will ensure that we are upholding the laws of the land in protecting their freedoms as well as their privacy. Any new data mining techniques or programs to enhance information sharing and collecting must and will respect the civil rights and civil liberties guaranteed to the American people under our Constitution.

Now, there are also two vitally important agencies that will report directly to the Secretary, the U.S. Coast Guard and the U.S. Secret Service. We all know that the men and women of the U.S. Coast Guard have been performing the mission of homeland security in a complex and dangerous maritime environment for more than 200 years. Every day since the September 11 terrorist attacks, the Coast Guard has pushed our maritime borders farther and farther from their shore.

Let me say with confidence and conviction and be very clear about the direction that this office has received from the Congress of the United States. The new Department will not lose focus of the Coast Guard's other critical missions. From search and rescue, to anti-drug and illegal migrant patrols, to fisheries enforcement and aids to navigation, I will work personally to ensure that the Department continues to support the entirety of the Coast Guard's mission.

The U.S. Secret Service, through its two distinct missions, protection and criminal investigation, is responsible for the protection of the President and the Vice President, the security for designated special events, and the investigation and enforcement of laws relating to counterfeiting, fraud, and financial crimes. The Secret Service is, and has been for decades, in the business of assessing vulnerabilities and designing ways to reduce them in advance of an attack, an expertise that will greatly benefit the new Department.

And finally, I would like to reiterate one very important observation, because, again, Members on both sides of the aisle, Republicans and Democrats, in public meetings and private conversations have made it very clear that this needs to be a focus of my attention. No matter how this organization is structured, it will not achieve its mission without the dedication of its employees, just can't do it. No matter what the organizational chart looks like, you need to make sure that the dedicated men and women who have been doing these jobs for a long time, long before we thought we needed a Department of Homeland Security, get the support and the empowerment they may need to get the job done as well as they possibly can.

The key to assuring the Department's focus throughout this very critical transition period will be the perpetual support of these men and women as they conduct their critical day-to-day work. We will—I will emphasize this again—we will eagerly solicit and consider advice from the men and women who work in the new Department, not only about professional matters, not only about the new human resource management system, but also about how to improve day-to-day daily operations that they are involved in and have been involved in professionally for years, if not decades.

And finally, I will insist on measurable progress from all the agencies and bureaus in the new Department. America must and will know what improvements have been made, what additional capacities have been built. We also need to know how effective we become.

In closing, during our darkest hour on September 11, American spirit and pride rose above all else to unify our Nation. In the time since, we have fought a new kind of war, one that has a new kind of enemy, new methods, and new soldiers. It is fought on a new battleground, our homeland. I think our response has been strong, measured, resolute, and bipartisan. But nothing has been more profound than the creation of one Department whose primary mission is the protection of the American people.

The Department of Homeland Security will better enable every level of Federal, State, and local government, every private sector employee, and ultimately every citizen to help us prevent terrorist attacks, reduce our vulnerability to terrorist attacks, and effectively respond and recover when these attacks occur.

We all know that the road will be long and we all know it is an extraordinary difficult mission, but I think we all understand, and it is reflected in the observations made by men and women on both sides of the aisle, that we need to take on this task together. We know its complexity. We know its enormity. We know, as public servants, it is our mission to work together to defend our country, our fellow citizens, and our way of life. And I am absolutely convinced, Madam Chairman, that working with you, working with all of your Committee Members in the Congress of the United States, we can do just that.

I thank you very much for the opportunity to appear before you at this confirmation hearing this morning.

Chairman COLLINS. Thank you, Governor, for an excellent statement.

Governor Ridge has filed responses to a biographical and financial questionnaire, answered pre-hearing questions submitted by the Committee, and had his financial statements reviewed by the Office of Government Ethics. Without objection, this information will be made part of the hearing record, with the exception of the financial data which are on file and available for public inspection in the Committee's offices.

In addition, pursuant to the Committee rules, both Senator Lieberman and I have reviewed Governor Ridge's FBI file.

The nominee has also met with Committee staff to discuss a variety of issues and all of this information will be placed in the record.

Pursuant to Committee practice, however, there are three standard questions that I need to ask you. First, is there anything you are aware of in your background which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. RIDGE. None that I am aware of, Madam Chairman.

Chairman COLLINS. Second, do you know of anything personal or otherwise that would in any way prevent you from fully and honorably discharging the responsibilities as Secretary of the Department of Homeland Security?

Mr. RIDGE. None I am aware of, Madam Chairman. No.

Chairman COLLINS. And third, do you agree without reservation to respond to any reasonable summons to appear and testify before a duly constituted Committee of Congress if you are confirmed?

Mr. RIDGE. I am going to do my very best to respond to whatever requests I get from the Congress of the United States because we need to not only build this Department together, but we need to sustain and make sure that we work together to make it as effective as possible.

Chairman COLLINS. Thank you. We will now turn to the first round of questions. We are going to do 6 minutes per Senator so that people don't have to wait for an interminable amount of time to ask Governor Ridge some questions.

Governor, a task force of the Council on Foreign Relations, which was chaired by Senators Rudman and Hart, concluded last year that a year after September 11, America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. I know you are familiar with the report.

Mr. RIDGE. Yes, I am.

Chairman COLLINS. In your opening statement, I believe you testified that you thought we were better prepared. Could you comment on the conclusion reached by this task force that America remains unprepared to respond to a large-scale terrorist attack?

Mr. RIDGE. Madam Chairman, I believe that the collaborative work undertaken by the executive branch and led by the President of the United States, as well as the Congress, has enabled this country since September 11, 2001, to effect significant change to—resulting in a far safer country than we were prior to that terrorist incident.

There have been dramatic, significant, tangible, visible improvements at our airports.

The Customs Service has taken upon itself several significant initiatives dealing with cargo security, to the extent that we are now in the process of developing protocols with foreign ports so that we can place Customs officials there with non-intrusive technology in order to inspect the cargo before it even gets on the ports.

I have on a day-to-day basis witnessed the collaboration, the enhanced collaboration among all of the intelligence agencies within the Federal Government. The CIA and the FBI have worked and continue to work very closely with the Office of Homeland Security and I expect that that collaborative relationship will continue once the new Department is established, and we continue today as we prep for that new Department to work on memorandums of understanding to ensure that all the intelligence we need to get the job done will be made available to us.

We see on a day-to-day basis two opportunities, two occasions on every single day with the intelligence community to get together twice a day to review the threats and to make assessments and decisions with regard to protective measures that we may have to take as a country in order to meet these threats.

I see the enhanced awareness. We did not have to authorize it or legislate it, but I have visited enough border areas to know that the men and women of INS and Customs subsequent to September 11, their vigilance, without any encouragement from any of us, has

been enhanced remarkably and they continue to find ways to work and collaborate together.

I have seen literally hundreds, if not thousands, of demonstrations of new technologies, some of which we began to deploy within this country, and the list goes on and on and on. Every single day, either on the initiative of a citizen, a private sector company, the State, the governors, the mayors, and with the help and support and sometimes funding from the Federal Government, things are considerably different. They are better or safer.

But having said all that, in spite of all those achievements, do we need to do more at the borders? You bet we do. Do we need to do more and focus on other forms of transportation other than airplanes? Yes, we do. Do we have to bring strategic focus to all this research and development money that is out there that can engage the private sector to develop the technology that we can deploy around the country? Yes, we do.

So I have worked very closely and admire and respect Senators Hart and Rudman. They were one of the initial proponents of a new Department of Homeland Security. But we are better prepared. We still have, as I said before, a long journey to undertake, and every day, that is our mission, to make sure that when we turn off the lights and leave the office that night, that we are safer because of the work we have done in the Department of Homeland Security when we flip them on and enter the office in the morning.

Chairman COLLINS. Thank you, Governor. You touched on, in your response, the issue of port security. When I assess our vulnerabilities, our ports strike me as being our greatest, still largely unaddressed, vulnerability. If you look at the facts that 90 percent of the world's cargo moves by container and the United States alone receives some 17 million containers per year, I think most of us, when we used to look at a large container ship coming into a port in Maine, for example, we thought, what a marvel of international commerce. Now, we look at that same ship and we wonder if one of the containers includes a dirty bomb or some other weapon that would harm our country.

In Portland, Maine, alone, we have experienced a 43 percent increase in the number of containers coming into our ports, and in the past, the screening has taken place has been very minor, some 2 or 3 percent of containers, and it has largely taken place in the United States, not where the container first was shipped.

In the recent report that I have referred to already, Senators Hart and Rudman make the point that we have hired some 50,000 Federal screeners to be at our airports to check passengers and bags and cargo, but only the tiniest percentage of container ships, trucks, and trains that enter the United States each day are subject to examination.

Could you describe some of the initiatives that you have underway and will be pursuing to increase the scrutiny of cargo containers? I am particularly interested in your efforts to secure and inspect containers at the point of origin. Furthermore, I would ask that you describe the level of international cooperation that you are getting and whether you are satisfied with it.

Mr. RIDGE. Thank you, Madam Chairman. First of all, I would like to just make an observation with regard to the statistic that

says that, presently, two to three percent of these container ships and their cargo are inspected. I think that is fairly accurate. But what I think the American people should know is that it is—they are inspected not on the whimsy—it is a fairly sophisticated targeting system that the Coast Guard has developed over the past couple of years. I won't necessarily relate all the elements in the equation that leads them to conclude that it is in the country's interest to board the ship, sometimes not at the port of the United States, port of entry, but sometimes out at sea.

So the 2 or 3 percent is fairly accurate, but it is not a random act, it is a specifically targeted effort once various kinds of information is secured and conclusions are reached about that ship, its crew, and the cargo.

Your notion of the international dimension of commercial shipping was brought home to me very graphically when I boarded a cargo ship in the New Orleans harbor. It was interesting. It was registered in Singapore. The crew was from India. The cargo was American grain. And it was going to Japan. So at the outset, there are four countries that are interested in safe international commercial shipping.

What the Office of Homeland Security did, with the support of the President and the leadership of the Customs Office, was recognize that we get about 70 percent of these shipping containers from 20 ports, mega-ports, around the world. The initiative of the Coast Guard, while going to these 20 ports, working with the foreign governments to get approval so that we could establish a protocol that enabled us to locate our Customs people in that port, locate some non-intrusive technology in that port. It included some regulations that require those who are going to be shipping to provide additional information, timely information to us before the containers and the cargo is even put on the ship.

And so the Container Security Initiative, reaching out to the 20 mega-ports first, is a very significant initiative undertaken. They have reached agreements with 16 of the 20 mega-ports, and once that is completed and while we are deploying people and technology, it will be the continued effort of Customs through the new Department of Homeland Security to expand that initiative at other ports around the world.

The cooperation on a bilateral basis has been profound. I think the world understands that on some of these issues, it is not just an American interest at stake, it is an international interest at stake, and we find that the collaboration has been instantaneous. They have been very receptive and we plan on getting the 20 wrapped up and moving on shortly.

Chairman COLLINS. Senator Akaka.

Senator AKAKA. Thank you very much, Madam Chairman.

Governor Ridge, the Department of Defense established the Northern Command to defend the people and territory of the United States against external and other threats and to coordinate the provision of military forces to support civil authorities. Hawaii is not within the jurisdiction of the Northern Command. Instead, Hawaii falls within the jurisdiction of the Pacific Command.

We discussed my concern that Hawaii not be ignored as the United States coordinates its homeland security policy. I am still

worried about decisions being made without fully considering the factors affecting Hawaii due to its geographical location.

Governor, what assurances can you give the people of Hawaii that the Department of Homeland Security is working with the Pacific Command to guarantee that Hawaii and the Pacific Territories receive the same military support and coordinated homeland security effort as the rest of the United States?

Mr. RIDGE. Senator, you were kind enough to raise that issue with me privately and I would like to express to you publicly my response to your very appropriate question. You are right, the State of Hawaii is outside NorthCom. That new command will add enormous value, I believe, to the Department of Homeland Security because of the opportunities it gives the new Department, working in conjunction with Secretary Rumsfeld and the North American Command, to do some scenario planning to determine in advance the timing and use of very specialized assets that only the Department of Defense has in times of emergency.

I know that it is my responsibility, and I accept it, the same kind of assurance that we are able to give to the governors of the other 49 States and the Senators and the Congressmen with regard to the ability to access Department of Defense men, material, assets, whatever they might be. I need to work with the Department of Defense either through NorthCom or PacCom in order to give you and your fellow citizens of Hawaii the same assurance, and I pledge to you personally that I will do just that.

Senator AKAKA. Thank you very much. Governor, the homeland security grant programs appropriately require States to develop mitigation plans and to identify risks. One criterion used to grade State plans is the use of mutual aid agreements with neighboring and nearby governments. Hawaii was told that it needed to enter into such mutual aid agreements during a review of Hawaii's bioterrorism preparedness plans by the Department of Health and Human Services.

FEMA has suggested that Hawaii seek agreements with Guam and other Pacific Territories and perhaps even California. However, Guam and the Pacific Territories rely on Hawaii for support, and any help from California is a minimum of 5 hours by air and up to about 7 days by boat. That is assuming that planes are flying and ships are sailing.

I appreciate your willingness to identify Hawaii's unique needs because of its geographical location. Governor, what steps can be taken in the interim to ensure that Hawaii is not overlooked as areas in the contiguous United States enter into mutual aid agreements? How will you ensure that the State's applications are not penalized?

Mr. RIDGE. Senator, it may be just as simple a thing as to giving some folks a geography lesson. You do have some unique challenges because of the geography of the State.

I am aware that on September 11, there were certain national decisions made, including closing down air traffic, that meant that for a period of time, even that kind of interaction based on a mutual aid pact would have potentially been precluded.

So I think what we need to do is understand that while we go about designing formula, that we do need to drive some of these

dollars to help build a national capacity to help us prevent, reduce, or respond to an attack. We need to understand that one size doesn't fit all. To call on friends in Hawaii to create mutual aid pacts with the adjacent States conceptually sounds like a pretty good idea, but in the practical world, we would have to make an exception to that rule and overcome that by being sensitive to your unique location.

Senator AKAKA. Thank you, Governor Ridge, I think you know that the final provisions included in the act on civil service and union protections were, and I mentioned this to you, a disappointment to me. I do not want to see the treatment of Homeland Security employees made into a political issue. I believe arbitrary treatment of these men and women will undermine the effectiveness of the new Department. I certainly hope that what I fear will not come to pass and that this administration and future administrations will not overstep bounds and overexert their authority.

In particular, I know that you, Governor Ridge, have pledged to safeguard the civil service and collective bargaining protections of employees in the new Department. My question to you is, what will you do as Secretary to honor this pledge?

Mr. RIDGE. Senator, the Congressional intent with regard to the men and women that work in the new Department and the protection afforded them, a variety of civil service requirements, is embodied in the legislation. Whistleblower protection is embodied there, Hatch Act protection, veterans' preference, and it is clear that this is a point of view shared by bipartisan Members of Congress as well as the Executive Branch.

You gave us flexibility in 6 of the 70 areas, but we read the law to say that there is flexibility in only 6 of the 70 areas and all the other protections and all the other matters associated with civil service protection are inviolate. You are going to give us some flexibility in hiring, firing, discipline, appeals, and some others, but the balance of those protections are sacrosanct and not to be touched.

Senator AKAKA. Thank you for your response. My time has expired.

Chairman COLLINS. Senator Levin, would you like to proceed now? We are doing 6 minutes per Senator for this round.

Senator LEVIN. Thank you. Governor Ridge, as you know, I am very much interested in the question of analysis of intelligence and where that is going to take place. The Counter-Terrorist Center at the CIA receives perhaps 10,000 pieces of intelligence a month. They have 1,000 to 2,000 analytical products a month. But you are talking about foreign intelligence, I emphasize, and the analysis of it, not the collection of it and not domestic intelligence. So we are talking about the analysis of foreign intelligence.

A couple hundred analysts work over there, and the question is whether you are going to attempt to duplicate that function of the Counter-Terrorist Center. Given the language creating the Department, what is your intention? How do you read that language?

Mr. RIDGE. Senator, it is not our intention to replicate the work that is going on at the CTC or within the CIA as it relates to foreign intelligence. It is our intention to use whatever foreign intelligence that may be generated by the intelligence community as it relates to a potential domestic terrorist attack as we go about our

mission of matching threat information with potential vulnerabilities in the United States, using that information to make a determination as to whether there is a warning that needs to be rendered and using that information to make a decision as to whether additional protective measures need to be deployed.

But we see the mission of this particular unit as narrowly defined and as getting access to all the information we need for the exclusive purpose of—for the primary purpose of protecting America's critical infrastructure.

Senator LEVIN. Who has the primary responsibility, in your view of the law, to analyze foreign intelligence?

Mr. RIDGE. The CIA.

Senator LEVIN. And then their analyses will be forwarded to you, is that correct?

Mr. RIDGE. That is correct.

Senator LEVIN. And then you will determine what additional information you want, what additional analysis you either want from them or you yourself might make to supplement their analysis, as I understand it.

Mr. RIDGE. That is correct, Senator.

Senator LEVIN. But the principal responsibility to analyze foreign intelligence from all sources will remain in the CTC?

Mr. RIDGE. That is correct.

Senator LEVIN. I think it is very important that that be stated in the law or in a regulation, because we had that language exactly, almost verbatim what I just said, in our Governmental Affairs Committee bill. It did not end up in the final bill. Instead, the language becomes blurry. This gives you the authority, not the authority, the responsibility to analyze and it doesn't state that the principal responsibility to analyze foreign intelligence will be at the Counter-Terrorism Center.

So would you take steps, either by requesting amendments to this law or through Executive Order or through some regulation, to make it clear that the principal responsibility to analyze foreign intelligence will be at the CTC?

Mr. RIDGE. Senator, I think that is consistent with how the administration feels, certainly consistent with the history and the mission of that Department, and if further clarification is needed, we would obviously entertain—if the Congress felt further clarification is needed, so be it.

Senator LEVIN. I can't speak for the Congress. I can speak, I think, for this Committee because we did adopt that language, and so if you will look at that language, and since you said that is what the intent is——

Mr. RIDGE. Senator, I will be pleased to look at the language.

Senator LEVIN. All right, and to let us know whether or not a statement of that will be forthcoming, because otherwise, if responsibility is blurred, if we don't focus responsibility, we are not going to have accountability.

Mr. RIDGE. That is right.

Senator LEVIN. One of the problems with the whole September 11 issue is that there is no accountability for failure. No one was held accountable. I am not looking to hang anybody. I am looking for accountability in this system, and unless you focus the responsi-

bility for the most critical issue, which is the analysis of intelligence, we are not going to have accountability, and that means we are going to have less of what we really need, which is the thorough analysis where people know that if there is a mistake made and a failure, that there could be accountability that results. If you will get into that, it would good.

Mr. RIDGE. I will, Senator. And just to share with you, I think the notion that you articulated is one that will guide us as we set up this new Department. Responsibility needs to be clear, direct, unmistakable, because accompanying that responsibility does come the accountability.

Senator LEVIN. There is one other issue that I wanted to raise and that has to do with information which comes into the new Homeland Security Department which is unclassified. I am only talking here about unclassified information. Under the bill which was passed, anyone who divulges that information about critical infrastructure will be subject to a criminal prosecution.

Now, there are real problems with that. That means you can get information that, for instance, a company is leaking material into a river that you could not turn over to the EPA if that company was the source of the information. You could not even turn it over to another agency. It means that a Member of Congress that finds out about that information through oversight cannot act on that information, even though it is unclassified information. We would be stymied from acting on it, making it public, for instance, or doing anything else in relation to information which comes to us, or comes to you——

Mr. RIDGE. Right.

Senator LEVIN [continuing]. As a result of a voluntary submission. That is much too broad and there are some real dangers there because then companies could actually protect themselves from actions against them, either agency actions, Congressional action, or whatever, by simply giving you the information and at that point, that becomes a security blanket for the company.

So we need you to look at that language. It is way too broad, both on the Freedom of Information Act side of it, on the whistleblower side of it, and on this language that I particularly made reference to, where a criminal penalty would be attached to the public disclosure of unclassified information where it was voluntarily submitted by a company. There could be some very unintended consequences there which could give protection for wrongdoing that threaten our health and environment which we should not be giving to wrongdoers.

Mr. RIDGE. It certainly wasn't the intent, I am sure, of those who advocated the Freedom of Information Act exemption, to give wrongdoers protection or to protect illegal activity, and I will certainly work with you to clarify that language.

Senator LEVIN. Thank you.

Chairman COLLINS. Senator Sununu.

Senator SUNUNU. Thank you, Madam Chairman.

Governor, could you talk a little bit about the organizational structure that you envision for the Department? Are you going to rely on field offices? Are you going to rely more on a centralized bureaucracy? And have any decisions been made about the dis-

tribution of potential field offices or regional offices and what kind of a role they would play?

Mr. RIDGE. Senator, we are obliged to, under the law, and very appropriately so because we are partners in constructing this agency, to return to Congress and consult with you about any reorganization efforts that we are going to undertake. We presently have under review a reorganization plan, but since it is still subject to Presidential approval before we submit it to you, I think it would be a little premature to share with you these preliminary discussions.

Let me give you a couple ideas with regard to the principles that are guiding the reorganizational effort. The Congressional intent has been pretty clear with regard to stronger enforcement at the borders, looking at it and saying, how can we do a better job with the multiple tasks given to this agency at the borders. Congress has made it very clear and the President has embodied that notion in his national strategy, that whatever organization or structure you put together has to build and then sustain relationships with the State and locals as well as the private sector. We look at that and determine how we can organize this effort.

We know that there is a requirement not only for us to share information at the national level, but at the end of the day, as so many Members have talked about, getting critical information down to the States and locals, to law enforcement and to other first responders is very important. We take that into consideration.

And then everyone, again, on both sides of the aisle says that because there will be so much interaction between the Federal Government and programs and the Federal Government and dollars and the Federal Government setting standards, you need to have an organization that is sensitive to its outreach responsibility and sustaining that relationship.

So those principles will guide us, Congressional direction, ability in sustaining the partnerships will be at the heart of what we do, and we hope to be able to come up and consult with Congress in the near future. I can't tell you——

Senator SUNUNU. Do you have a timeline for the release of the reorganization plan?

Mr. RIDGE. I do not at this time. We are doing everything we can in the transition phase to accomplish the organization and submit it to the President for approval, but we are also simultaneously still recruiting some members of the management team. We would like to get their input on it, as well. So we are going to do it as quickly as possible, because the President has directed us to move as expeditiously as we possibly can, to attract the talent we need, and then to set up this organization and start making it work.

Senator SUNUNU. We visited a little bit yesterday and I had some questions about information technology. I think the use of technology and different ways, new ways, is going to be critical to creating a standard for protection and for security and then building on it over time. I think technology is going to be one of the keys to continuing to improve our border security, continuing to improve the way we move goods and services across our international borders safely and efficiently, and the way that we identify and poten-

tially track visitors to this country where we might have security concerns.

Two questions. One, do you have an estimate of the needs, the financial needs for implementing a strong information technology system or information technology upgrades in the new Department? And two, we spoke specifically about the biometrics requirement and INS and do you have an estimate of what the cost for implementing that would be and whether sufficient funds have been appropriated to implement it?

Mr. RIDGE. First of all, Senator, we examined the technology budgets, the IT line items in the departments and agencies that are moving in under the new Department and we think there are sufficient dollars in existing appropriations to wire us together.

It is interesting. The Congress in very specific language directed the Secretary to take—make a reasonable effort—I assure you it will be more than a reasonable effort—to make sure that as we pull these units together, that all the information they generate, much of which is relevant to other units' work, is wired together as effectively and as quickly as possible, and then to make sure that once we set up our own information infrastructure, that we tie it in to other agencies with whom we work.

And to that end, we are working with Bob Mueller and the intelligence community to see how we can use technology that is out in the marketplace today to take what have heretofore been stovepipes, unique, centralized, rarely shared databases, and make sure the right people at the right time have access to them so they can pull relevant information out. So I think we have enough money to do that within the budget and we are going to proceed accordingly.

The biometrics requirement that Congress imposed on the entry-exit system, it is difficult for us right now to estimate the cost. Again, our task is to do the best with the extraordinary amount of resources you have given us and I think the President, when we submitted the budget, and I was responsible for certifying the budget last February, there was almost a 100 percent increase in security dollars, from about $19 billion to nearly $38 billion. There was a substantial increase for INS.

So, one, I can't give you a definite figure. Biometrics needs to be, will be a significant part of our entry-exit system. I just allude to the challenge we have, and I say this to my colleagues, we need to work this out.

Ultimately, there needs to be an international standard, and we can just see it coming in our discussions with other countries. While we try to ramp up our entry-exit system, at the same time, we are going to work with as many, on a multilateral basis and a bilateral basis, to see if we can get international buy-in to a common standard, because I can envision a day in the not-too-distant future where we are requiring biometrics identification for people to come across our borders, and our friends and allies and others are going to require the same kinds of information as we visit their countries, as well. So we need to be mindful, I think, of establishing some international standards in this effort.

Senator SUNUNU. Thank you, Governor. Thank you, Madam Chairman.

Chairman COLLINS. Senator Durbin.

Senator DURBIN. Thank you, Madam Chairman.

Governor Ridge, let me follow up on my opening comment about the role of the new employees in your agency, and particularly to follow up on something that has been referred to earlier, whistleblowers. Whistleblowers are a real pain for administrators, but they perform a valuable function. Were it not for whistleblowers in the FBI, one of whom was recently cited in *Time Magazine* as a Person of the Year, we might not know the details of the information that came out before September 11 and what we could have done to protect America.

After September 11, there were two people who worked for the INS in Border Patrol, two agents, who went to the press and said that the statements made by many government officials about safety on our borders and security were misleading, that there were not enough agents on the Northern border protecting the United States from the infiltration of dangerous people. As a result of those public statements, these two Border Patrol agents suffered punitive actions by the agency, in fact, demotions and suspensions, because they blew the whistle and said we are not as safe as we should be. Were it not for their union fighting to restore their rights, that might have gone unnoticed, but the union stepped in.

Let me ask you, at this moment in time, do you believe that this new law exempts your agency or changes in any way the general law or rule as to whistleblowers in the Federal Government?

Mr. RIDGE. I do not, and more importantly, I think there is specific language in the statute that reminds the Secretary and reminds everyone associated with the new Department that there shall be no reprisals for legitimate whistleblower activity. So I think it is not only understood, but I think it is affirmatively reinforced by the language of the law.

Senator DURBIN. In your earlier statement about the rights of the employees, you said those rights may not extend to questions of hiring and firing, if I am not mistaken. I don't want to put words in your mouth. But again, go back to this example I have used. Were it not for a union stepping in to protect these employees who blew the whistle on misstatements by the Federal Government and the lack of protection of our Nation, were it not for that union, those two employees would have probably suffered those consequences. So how will you protect your employees who exercise their whistleblower rights, then, from retaliation from your agency?

Mr. RIDGE. Well, first of all, I have pledged publicly and Congress has specifically directed, I think with very explicit language, that that historic protection is part of the work environment in the new Department of Homeland Security for all.

Second, we are about to begin a process where we develop a new human resources management system and the Congress gave us the opportunity to do that and gave us a framework within which we were to do that. But we have begun just initial discussions with the representatives of organized labor and others, not on content, but on the process itself, to make sure that they are involved on the very front end of this deliberation, discussion, debate, negotiation, what have you.

So we recognize our obligations under the statute. I say, from my experience as governor, dealing with about 80,000 State employees,

most of whom were unionized, we had a, I think, very good day-to-day working relationship. We negotiated some difficult and challenging bargaining agreements, had enormously effective labor leaders. We were candid with one another. We got the job done, and I hope we develop the same kind of relationship with the people in this Department.

Senator DURBIN. And so you will protect the appeals rights of your employees if they exercise their rights?

Mr. RIDGE. Whistleblower is endemic. It needs to be a continuing part of the work environment of these men and women.

Senator DURBIN. Let me go back to the point raised by Senator Levin, too, on this FOIA question. It is understandable that if a private entity, a corporation, were to give you information that they believe is necessary for you to know to protect America, that there be some sort of protection there. But the law goes beyond that and suggests that once they have made the disclosure, even a disclosure of wrongdoing, perhaps a disclosure that has endangered the public health, once they have made the disclosure to your Department, they, in fact, are held harmless from civil lawsuits by the mere fact that they have made the secret disclosure to your Department.

Are you concerned about what impact that might have on the redress which an ordinary citizen or a community might have in court, for example, an environmental disaster disclosed to your agency by a private corporation which is now indemnified from private and civil lawsuits because of that disclosure?

Mr. RIDGE. Senator, I am concerned with that potential outcome. I guess I am equally concerned about differing interpretations of the statute, which leads me to believe that one of the first responsibilities I have when we get this information analysis and infrastructure protection unit set up, even before then, then I need to come back to you and your colleagues like Senator Levin to get clarification that makes us both comfortable.

Senator DURBIN. I hope you will. I think it is an important topic and I am glad that Senator Levin raised it and I would like to follow it.

The last one is the issue that I have raised to you time and time again that Senator Sununu mentioned, the interoperability of information technology. The INS today, as part of the Department of Justice, has utterly failed in integrating its information technology system with the FBI. It has resulted in some very terrible consequences.

Now, INS is moving out of the Department of Justice into the Department of Homeland Security. My concern is that now they are getting further away from the agencies that they need to be integrated with and work with more cooperatively. Where is the authority that will bring together the Department of Justice, the Department of Homeland Security, the CIA, all the intelligence agencies to try to create something which I called the "Manhattan Project," to break through this information technology barrier that seems to have stopped us, even since September 11, from achieving what we need to achieve in exchanging information?

Mr. RIDGE. Senator, you and your colleagues in Congress gave that specific task to the new Secretary and it is a task that actually

was undertaken even in the Office of Homeland Security several months ago, not just in anticipation of the new Department, but in recognition that one of the big challenges we have in this country is not necessarily assimilating more information. We have got plenty of information. We just have heretofore been unable, not necessarily unwilling, but unable to connect it so that the right people had access to the right information on a timely basis.

That will be one of the highest priorities within this new Department. It is a very high priority for the President and the administration as we set up a new Department, to bring it in immediately to the 21st Century to connect our own internal databases and then with those with the external agencies with whom we have to work, and it is a measure that, again, we have begun working on. We have done an inventory of who has what and what we need to put together. We think we have a way ahead where we don't need necessarily to design a whole new system, but there are commercial applications in the marketplace today that enable us to tie this together.

It is also getting that information to consular offices necessarily, and some of this information is going to have to go international. It is a huge undertaking and I look forward to working with you to solving the puzzle. There are a lot of pieces of that puzzle we have got to put together.

Senator DURBIN. Thank you. I want to work with you. Thank you, Madam Chairman.

Chairman COLLINS. Senator Carper.

Senator CARPER. Thank you, Madam Chairman.

Governor, in your comments or your statement earlier, you touched on air security, and we are reminded of that every time we check in an airport and prepare to board an airliner. In her comments, our new Chair spoke to port security, something that is of interest to us in Wilmington, Delaware, as it is in any number of States.

I indicated to you when we met earlier this week, and I thank you for the visit, but I indicated to you that a lot of us have interest in rail security, too, not just passenger rail security, but the rail security that involves the movement of freight throughout our 50 States. Regarding rail security, I believe you stated that the Transportation Security Agency is developing a proposal that would require transportation facilities to conduct vulnerability assessments and to develop security plans to address vulnerabilities.

I am wondering, would such plans be required for all modal facilities, including aviation and highway facilities? Who would pay for these assessments and for these plans? Would the TSA be offering technical assistance or grants to assist facility managers and owners in preparing their plans?

Mr. RIDGE. Senator, that outreach to transportation in addition to airports has begun with Secretary Mineta and Admiral Loy at TSA, working with the Federal Highway Administration, working with the Federal Railway Administration, working with the Federal agencies that deal with mass transit, to begin the effort to identify vulnerabilities and best practices. Much of the—not all of the work has been done, but much of it has been done internally.

I see as one of the critical functions of the infrastructure protection unit, the one unit we call IAIP, Information Analysis and Infrastructure Protection, consistent with the President's directive under his National Strategy, designed a national critical infrastructure piece around the 14 sectors of the economy that we view as critical. Transportation is one, and there may be opportunities in the future, depending on need and priority, that the Federal Government may assist. Our Department will fund—work with TSA with Federal dollars to assist in doing these vulnerability assessments.

Senator CARPER. All right. Thank you. I have sort of a related question, if I could. In the case of Amtrak, as I believe you know, the railroad is in serious jeopardy of shutting down this spring unless we provide in the fiscal year 2003 budget for Amtrak roughly $1.2 billion, a figure that does not include major spending on security. I certainly hope that the TSA is not poised to require Amtrak to prepare thorough security assessments and plans without some additional Federal support above and beyond the annual appropriation that we worked on just last night for Amtrak. I think to ask them to do more with respect to security without providing that additional funding is an unfunded mandate, and I would just ask for your view on that thought.

Mr. RIDGE. I know, Senator, you have, as well as your colleagues along the Northeast corridor, an interest in the continued viability of the railroad itself. That is an issue that we wrestled with back in 1983, and every couple of years, Congress has to wrestle with it again.

I think there is a need for us to take a look at the legitimate security enhancements with Amtrak and, obviously, through whatever appropriation measure that the Congress may be supportive of in the future, hopefully you will be mindful of that, Congress will be mindful that that is an additional cost, and if you don't fund it, then we will have to work with you to find some other ways to help them on a priority basis deal with the most problematic vulnerabilities. I can't tell you what they are, but we need to do a vulnerability assessment and then set priorities and then go about addressing them.

Senator CARPER. If I could put a more human face on this, today, as people went to work throughout the country, hundreds of thousands of people went into New York through tunnels that are badly lit, badly ventilated, from which evacuation is very difficult.

Under Baltimore Harbor, there is a tunnel, as I am sure you know, and a lot of passenger traffic passes under there, but a lot of freight traffic, as well, and a fire literally shut down the tunnel last year. It is over 100 years old. It is actually in quite similar condition to the New York tunnels. Literally not more than 100 yards from where we are sitting today, there is a tunnel that goes under the Capitol, through which hundreds of thousands of people pass every day.

The rail security portion of Senator Hollings' National Rail Defense Act, I think it is called, S. 104, requires the Secretary of the Department of Homeland Security, soon to be you, to undertake a risk assessment of rail security threats and to come up with steps that railroads can take to protect their tracks, stations and rail fa-

cilities. The bill also authorizes, I think, about $500 million for the new Department to address rail security threats or to award grants to passengers and to freight railroads to implement the Secretary's recommendations.

I am just wondering, what do you think of that approach, if you have had any chance to think of it at all?

Mr. RIDGE. First of all, Senator, in your question, you raise a couple of very important issues that we need to deal with nationally. One is you highlighted in your experience in this part of the country that there are some tunnels and bridges that are more susceptible of being used for catastrophic attack, and so we do have to set priorities around not only vulnerability, but consequences, as well, and that is whether it is a tunnel, a rail system, whatever. I mean, we do have to manage the risk and make decisions about the risk based on probability, vulnerability, and consequence.

Having said that, I am not familiar with this legislation, but I do think that for a general rule of thumb, I think we ought to look to the private sector to absorb the expense of protecting their own infrastructure. They have a responsibility to their employees. They have a responsibility to their shareholders. They have a responsibility to the communities within which they operate.

That is the general rule. That is not to say that there aren't exceptions. We did make an exception, a huge exception in aviation. I am not sure we can ever afford that kind of exception anywhere else in the private sector, but I think they just have to be reviewed on an ad hoc basis to see where the highest vulnerabilities are. The first general rule is that if it is owned by a private company, it should be—the expense should be defrayed by a private company.

Senator CARPER. Thank you. Thank you very much.

Chairman COLLINS. Governor Ridge, while the exodus of Members may raise your hopes that the hearing is nearing an end, I am about to dash. Many of my colleagues do have some questions for you, but unfortunately, we have another roll call vote.

Mr. RIDGE. I understand.

Chairman COLLINS. The Committee will stand in a brief recess.

[Recess.]

Chairman COLLINS. The Committee will come to order and the hearing will resume. Senator Coleman.

Senator COLEMAN. Thank you, Madam Chair.

Governor Ridge, in my opening comments, I talked about the relationship between the Federal Government and folks at the State and local level and we had a wonderful conversation about that.

I know in the post-September 11 world and the development of the Department, you have been tapping into some of the resources of folks like the Conference of Mayors and the League of Cities. My question is, once the agency is completed, do you have any kind of structural ongoing means to make sure that local voice continues to be heard as policy is developed? What are your plans in that regard?

Mr. RIDGE. Senator, I think there will be several ways that we will, and I must say, should, continue to reach out to organizations that represent the governors, the counties, and the cities. The legislation provides for a State and local government coordinator. We think that is a critical addition to—the Congress actually added on,

I think, to our original bill, that really creates an office within the Department to help continue to build on the relationships that we have built on through the Office of Homeland Security. So I think that is a very good starting point.

It is also the place that, hopefully, with the support of the Congress, in response to a lot of concerns that Members have about where State and local governments go in order to access different funding programs available through the Department of Homeland Security, to the extent that the law allows, we would like to consolidate them there, and to the extent that the law doesn't allow it, we might come back to you and say, look, we would like to make it a one-stop shop. You have got fire grants, mitigation grants, and preparedness grants. You have got a lot of grant programs out there. We would like to make it a lot easier for local government, State government to access those dollars. So it is our intention to do that.

We also continue to engage these organizations in the President's Homeland Security Advisory Council, their representatives, and it is a rotating membership. If you are the president of the League of Cities, the Conference of Mayors, the NGA, what have you, they continue to be a very important part of that organization. Right now, the Chairman is Governor Mike Leavitt and the Vice Chairman is Mayor Williams of Washington, DC, and then there are other State and local officials involved in that subcommittee.

So again, national strategy, not a Federal one. Our partnerships with the States and the locals are critically important. Sustaining that outreach and working together on policy initiatives and the like will be critical to the success of our national effort.

Senator COLEMAN. Thank you, Governor.

Madam Chair, just one follow-up question. Governor Ridge, one of the other areas of concern is this issue of communications, which again, going back to my time as mayor, particularly in post-September 11, we had a lot of conversation about. Oftentimes, there would be an alert, there would be a notice of something happening at the Federal level and my folks at the local level, my cops and my police chief, folks in the mayor's office, the press would come to us and say, what is happening, and we couldn't tell them.

Understanding that there may be security concerns and not everyone at all levels has the same level of clearance, how can we do a better job of making sure that those folks who are the voice of the people at the local level and who have the responsibility of dealing with problems at that local level, particularly in law enforcement, can be better tied into those things of which you are aware at the Federal level?

Mr. RIDGE. Senator, I think there are a couple ways we can go about answering that question. The first is making sure, and this is going to take some time, that people in a community where there is a Joint Terrorism Task Force understand that it is incumbent upon the FBI on a fairly regular basis, when they get some information relative to a community, they shoot it down to the FBI-directed Terrorism Task Force. I understand the organization includes local law enforcement and needs to include local law enforcement.

Oftentimes, that information, it is really just for security—primarily law enforcement people and security people, ends up in the public domain and people are saying, "What should we do about this?" The answer is, it has been shared with the law enforcement community so they can do something about it. Let them do their jobs and that is not a concern of yours right now, hopefully ever.

There is another level of advisory and information sharing that gives rise to the National Threat Advisory System, where the new Secretary will have the responsibility to raise a level of alert. And we need to have local law enforcement in the country generally better understand the purpose of the national alert and help them design procedures to respond to that alert.

And to that end, the Office of Homeland Security and the FBI are in the process of developing a conference. We are going to bring in local law enforcement so we can talk about how we do a better job communicating advisories that the JTTFs operate on, what you need to do in the event of raising a national warning, what you should do in response to that, and then how we, long-term, can begin to do a better job of collaborating and sharing information, because in order for us to be successful, it is not just going to be the Federal Government sending down intelligence information, but we have 650,000 law enforcement personnel on the streets in time. We want them to send information back to us. So we still have our work cut out for us.

Senator COLEMAN. Great. Thank you.

Chairman COLLINS. Senator Specter.

Senator SPECTER. Thank you very much, Madam Chairman.

Governor Ridge, I begin on the critical question of the authority of the Secretary to coordinate all of the analytical materials, and I know that this is going to be a Presidential decision. I have had the opportunity to talk to President Bush about it on a number of occasions, including yesterday when he was traveling to Scranton, Pennsylvania. I filed an amendment to the Homeland Security bill, and when the House of Representatives left town, it was either a matter of passing the bill as was or delaying it over to this year, which would have been very undesirable. You and I talked about it that day, and as I said earlier, I talked to Vice President Cheney, then to President Bush.

I know this is going to be a decision which is made at the Presidential level, but let me explore with you for a minute or two the various agencies and the good will which I know you enjoy at this time, but isn't there an institutional problem down the road when you don't have a really strong Secretary and you don't have the kind of congeniality which exists now with the Presidential appointees and the kind of work which is done together and the tradition of turf fighting. I think your statement about the only turf that is important is the turf of America.

Why not give that strong hand to the Secretary, the one person who is going to have analysis under one umbrella? Let the CIA do their work in the field. You are not going to touch that. Let the FBI do their work in the field, the Defense Intelligence Agency. But when push comes to shove, if you need it, why institutionally shouldn't the Secretary have it?

Mr. RIDGE. Senator, right now, it is my belief, and I am grateful that you highlight the day-to-day collaboration on a personal basis between myself, George Tenet, Bob Mueller, and our respective organizations. I can't speak prior to October 8, but I can tell you, since I have had the opportunity to serve the President in this capacity, it is all encompassing. We share information on a daily basis and interact in our respective organizations, interact on a daily basis to the extent now twice daily, we all, our representatives convene to review the threat information today, monitor the threats from previous days. So we have on a daily basis two video conferences, CIA, FBI, other intelligence agencies, and the Office of Homeland Security. Likewise, we have the daily meetings with the President and the interaction between the organizations.

Senator I feel that the language in the statute, and I know you have been very concerned about the access of this agency to all the information it needs to get its job done, is not limited in any way. It is so strong and creates such an affirmative obligation on the part of the intelligence community that we will get all we need for critical infrastructure protection purposes.

There is a secondary benefit of having access to that information. I think, clearly, our analysts, who will be assigned—some of them will be assigned to work at the Counter-Terrorism Center, some of them will be working with the FBI—one of the unintended, very positive consequences of that working relationship is they will participate in the analytical work of these other intelligence agencies so that on an ongoing daily basis, we will have a considerable role, but not the primary role, in dealing with threat information.

Senator SPECTER. Governor Ridge, thank you for the answer. You can't comment about what happened prior to October 8 and you can't comment about what is going to happen after Governor Ridge is no longer Secretary, but we will talk about it some more because I am going to introduce the amendment. It will come before this Committee. We can go into it in depth and we can hear from CIA Director Tenet and FBI Director Mueller.

Let me move to another question which I have discussed with you before, and that is the labor-management relations. I appreciate your comment to me in our private section that you would be willing to sit down with Mr. Harnage and try to work through the concerns which labor has.

As I have gone through and read the statute, the national security waiver is really to be exercised by the President. Now, I know that there is an exception in the Transportation Act for Admiral Loy to exercise the waiver which he has. But I think it is important that we talk about waiving existing laws under labor-management relations in existence for a long time that really go to the Presidential level, and I think it is vital that that national security waiver be maintained, but I think it really is a Presidential decision.

Picking up what Admiral Loy did, where there was an effort to have collective bargaining with respect to the security screeners, at a time when the mood of the country is really a peacetime mood, there is no high alert at this moment, what is the difficulty—what would have been the difficulty in allowing those negotiations on

collective bargaining to proceed without the exercise of the waiver which Admiral Loy brought into effect?

Mr. RIDGE. Senator, I believe that the Admiral, using the authority vested in him by the Congress of the United States to determine terms and conditions of employment, made an appropriate decision that is also consistent with, I think, the status accorded these employees in the Transportation Security Act.

This huge workforce was put together for purposes of national security. Being able to move these people around under—based on threat information and the like, I think, is very consistent with the President's commitment to the civil service employees who are presently in the Department who have collective bargaining rights. They take those collective bargaining rights with them. But these new employees that are there by virtue of the Congressional Act status, they exist for national security reasons. They are critical to aviation security.

Very appropriately, with Admiral Loy's—and that is the administration position, very appropriately said, critical to national security. You can work the terms and conditions out, but there will be no collective bargaining, which gives him the maximum flexibility possible to deploy these resources, these men and women, whenever and wherever he needs them.

Senator SPECTER. My red light went on during the course of your answer, so I am not going to ask another question, but I would ask you to submit for the record some responses, and I would ask you to supplement the answer you just gave——

Mr. RIDGE. I would be pleased to.

Senator SPECTER [continuing]. By specifying to the extent you can, what national security interest would have been impinged upon had collective bargaining gone forward. I can see under some circumstances, stress circumstances, that the national security waiver has to be used. But it has been applied once, and I would just like to get the reasoning as to why it was done here and why it couldn't have been done in accordance with generally prevailing collective bargaining approaches.

Mr. RIDGE. Senator, I would be pleased to respond.

Senator SPECTER. Thank you very much, Governor. Thank you, Madam Chairperson.

Chairman COLLINS. We have two more Senators who haven't questioned this first round. We will then do a brief second round before concluding the hearing if others have additional questions either to submit for the record or to ask here.

Senator Pryor.

Senator PRYOR. Thank you, Madam Chairman.

I have three questions, and I will try to keep them very brief, for Governor Ridge. First, Governor Ridge, based on your written comments and my personal experience there is no question that the States are more prepared today than they were on September 11, 2001. But I have to assume that some States are more prepared today than others are. I don't want to get into the details of States and specifics——

Mr. RIDGE. You are right.

Senator PRYOR [continuing]. But I am curious about, in your view, what makes some States more prepared than others? What

are the States that are really out there that you feel comfortable with and confident in? What are they doing that some of the other States are not?

Mr. RIDGE. Without identifying any particular States, I think that as the leadership in the respective States in the preceding years or decades set priorities within their budget, some who decided to unify their communications systems a long time ago for public safety purposes are in a better position to develop an interoperable system than those who didn't unify their communications system.

Some of the States set up very robust emergency management agencies with infrastructure that they can communicate with localities. Some States were more aggressive in terms of training their first responders.

So there is a variation and what we seek to do and what we need to do in the country is bring up—everyone up to a certain capacity and then build on that, and that is one of the reasons that we have asked the States to develop State-wide first responder plans, State-wide bioterrorism plans, so we can identify weaknesses that vary from State to State and start building minimum capacity around the country.

Senator PRYOR. Will your Department provide not just a blueprint and a pathway for that, but also possibly some funding?

Mr. RIDGE. Yes.

Senator PRYOR. Will there be funds available for that?

Mr. RIDGE. Yes. The budget that the President submitted last February had a 1,000 percent increase in first responder money, and hopefully, I haven't seen the omnibus legislation so I don't know whether that $3.5 billion, where it is going to be in this legislation or if it will be that amount.

But the reason the President recommended to the Congress a 1,000 percent increase is he recognized the varying capacities and the need for us to build a national response mechanism, and to the extent that what we do enables us to prevent attacks or reduce our vulnerabilities, we need to partner with the States and locals for that.

So, hopefully, with these first dollars going out consistent with State-wide plans, the 2004 budget, there will be additional dollars and we can start building that capacity.

Senator PRYOR. My second question or line of questions relates to management and quality control within your Department. There are going to be about 170,000 employees in the Department. We are talking about consolidating or moving or transferring about 22 different departments and agencies under your umbrella. How do we measure whether the new configuration is more efficient and more effective than the previous configuration? How do you measure that?

Mr. RIDGE. Well, I think you are asking us to do what needs to be done and what is often done in the private sector and what we don't do often enough in the public sector, and that is set performance standards and metrics by which we can measure success. I think as we take a look at building additional capacity at our borders, finally, hopefully locking together the information generating and sharing capacity that we have, there will be ways that we can

conclude that because of either the structural changes, the personnel changes, that we are more successful at interdicting more people or more drugs at the border, that we can quantify some of these results. But as we go about setting up this organization, setting standards and measurements so we can gauge our own progress, this is something that we are working on right now.

And you raise a very good point, just not to belabor the answer. We need to help manage better. I have this notion that 170,000 people go to work every single day, whether at the border, whether at the lab, whether they are doing the very best they can. Most people want to do the best they can every day.

Senator PRYOR. They are trying to make——

Mr. RIDGE. Part of our job is to empower them, maybe through better management of them at the local site, by engaging them when we talk about operational changes at their place of work. So we have got a lot of work to do, and frankly, Congress gave us a stable platform for a year when you said that everybody that is in the Department now gets their wages, their benefits, everything for a year as we try to sort these things out with their leadership.

Senator PRYOR. It seems to me that you have a rare opportunity to engraft that quality control into the foundations of the Department.

Mr. RIDGE. Absolutely.

Senator PRYOR. And you can start with that, which very few other departments and agencies have the opportunity to do. So I hope you take full advantage of that and I really hope that this agency becomes a model of efficiency and effectiveness because I think it has the potential of doing that.

Mr. RIDGE. So do I.

Senator PRYOR. The last question I had relates to that, and really a three-part question. If you know and if you can say, what vaccines are being considered to have at our disposal and to be prepared and be ready for use? Where might they be stored, and then third, how will the vaccines be distributed? That may be too long of a question for us to answer in this forum, but I would appreciate a general overview on that.

Mr. RIDGE. It is a very appropriate question because we do have the responsibility to build and maintain and occasionally supplement the regionally located push-packs that Health and Human Services has maintained with vaccines and diagnostics and antidotes. I would be happy to provide for you an inventory of what is presently in those field offices in those packages.

One of the responsibilities of the new Department is to assess any threat information out there relative to a potential bio or chemical attack, see if there is a vaccine or an antidote for either/or on the market or under research, and if we see a need to press forward to procure it and then make that inventory a little bit larger based on our analysis of the threat.

Senator PRYOR. Go ahead.

Chairman COLLINS. Senator Fitzgerald.

Senator FITZGERALD. Thank you, Madam Chairman.

OPENING STATEMENT OF SENATOR FITZGERALD

Governor Ridge, thank you very much for being here. I think it is appropriate that we thank you for being willing to serve in this position. You have had a fabulous career in government as Governor of Pennsylvania and also in Congress for many years. You practiced law in the private sector and you have a tremendous record of service in our armed forces, having received a Bronze Star. I would just like to thank you for offering yourself to your country. It is a considerable personal sacrifice to do what you are doing, and I think we are lucky to have someone of your caliber. It is a great credit to the President who has recommended you for confirmation. So I just want to thank you.

Just a couple of quick questions. I think you answered Senator Specter's questions pretty well about the intelligence and analysis function. I just want to encourage you, if you do feel that we need to amend the statute to give more authority later on or you are having trouble with turf battles, to make that known and come to us to see what we can do. We have all been very worried about a lack of coordination amongst the different agencies that have responsibility for intelligence. We hope you will have the tools available that you need to bring things together. But do come back to us if you think we need to make changes in the statute.

I did want to ask one question about air security. The TSA, which will be the Transportation Security Administration, a new agency that we have created and which will be transferred to your jurisdiction, has done an admirable job in terms of meeting the short, quick deadlines Congress imposed upon it to start screening all passenger bags. Some thought we would never meet the deadline of December 31. There were a lot of nay-sayers. Secretary Mineta and Admiral Loy got it done, they didn't complain, and I think that was very impressive. They are doing it not only at large airports like O'Hare in my State, but also small airports that I have been through recently and I am very impressed.

I am, however, worried that we are not adequately checking the cargo that goes aboard the planes. They aren't subject to the same type of screening, although there is some inspection. I just wondered whether you had any thoughts on the direction we maybe should head in with respect to cargo that travels aboard our passenger planes?

Mr. RIDGE. Senator, I want to assure you that Admiral Loy and the TSA is cognizant that they have other responsibilities, to include the mandated responsibility to ramp up the Department and focus on passengers and baggage, but they understand full well that the cargo that goes beneath the commercial aviation is a potential source of an attack, as well. They are working on that and will continue to work with the aviation industry to address that.

There are other concerns with regard to general aviation and the intermodal nature of our transportation system, so I want to assure that that is just one of the many potential vulnerabilities within our transportation system that Admiral Loy is working on.

And I just want to publicly thank you for your public recognition of the extraordinary work that Secretary Mineta did in order to ramp this thing up in such a short period of time. I remember his first visit to the White House, shortly after the legislation was

passed, and he had a several-page handout showing the President, this is what we have got to do, this is the process we are going to get it done, and Mr. President, I assure you, I have been tasked with this. We are going to get it done. And he and Admiral Loy and Michael Jackson, everybody over there deserves enormous credit for a job well done and I thank you for publicly recognizing that.

Senator FITZGERALD. Well done, and thank you, Governor Ridge. I look forward to voting on the floor of the Senate for your nomination and hope we can get it done today, too, and perhaps we can.

Madam Chairman, thank you very much.

Chairman COLLINS. Thank you, Senator. Senator Lautenberg.

Senator LAUTENBERG. Thank you very much, Madam Chairman. We learned something today about you in that your durability looks pretty good. You don't look terribly unfresh or anything like that. [Laughter.]

I understand, Governor, that a question was asked about the Coast Guard and that you are committed to making sure that they are adequately funded for all of their responsibilities. If that is the case, I am pleased to hear it and we will forego a question that I have that related to that.

One of the things that occurs to me, and I am sure to you, as well, and that is this kind of mix of committee responsibilities that are overlapping and you have the job now of bringing it all together in kind of one place. By way of example, the Commerce Committee, for example, oversees the Coast Guard, the Judiciary Committee oversees immigration, and the list goes on. I wonder whether you have any views on whether or not a Congressional oversight committee, as happens with other major departments of an administration, are there to be responsible for and responsive to that committee's work. Could you see that it might require a Congressional oversight committee devoted exclusively to the Department of Homeland Security?

Chairman COLLINS. I would interject to advise the governor to be very careful in how he answers this question if he wants to be confirmed today. [Laughter.]

Senator LAUTENBERG. This is just conjecture, Madam Chairman.

Mr. RIDGE. Thank you, counselor. [Laughter.]

Thank you, Senator. Senator, perhaps treading on some thin ice, but I would like to respond to your question as a former member of the House of Representatives and of Congress. I think any effort that could be undertaken to reduce the number of committees and subcommittees, that we once calculated to be as high as 88, that this Department or the units of this Department have to report to would be greatly appreciate and, I think, lend itself, in my judgment, to even better oversight.

It is not a conclusion it is probably fair for me to draw, but you understand, as I think anyone that has been in Congress understands, that the men and women who come before you to testify, my colleagues in the cabinet, the under secretaries, they just don't walk in and respond to questions. They do a lot of preparatory work. The staff does a lot of preparatory work.

And I think, at least at the outset, the next several years, as we are trying to build this organization together, any effort to focus

the oversight would be certainly appreciated on our part, and Madam Chairman, I will leave it up to the leaders of this body and the others to determine where that focus should be. I hope I got out of that answer without too much trouble.

Senator LAUTENBERG. One of the things that one dare not do in this place is suggest that jurisdictions be moved away from particular committees that have worked with these departments over a lot of years, a lot of experience gained.

The only thing that I see, and I come out of the business world before I was here and ran a fairly good-sized company, is that when it gets to be the size that your Department, we want it to be, and whether Commerce decides on what the authorization for Coast Guard ought to be, and the Secretary of the Department of Homeland Security is kind of left out, maybe comes up as a witness, but then you only have part of the problem to work with, and it happens throughout the structure, whether it is on the appropriations side or otherwise.

There is no doubt that every one of us here and in the U.S. Senate wants your Department to succeed. We are encouraged by the fact that you bring the kind of leadership to it that you have and we are comforted by that. But I look at how the thing works, and the question is not intended to be provocative at all because I want the Governmental Affairs Committee to be able to take on even more responsibilities, Madam Chairman—— [Laughter.]

But anyway, it is just kind of a "how do you feel about it" thing.

One of the things that President Bush talked about in his campaign, I have been very involved in trying to curb gun violence in the country and have authored a couple of bills, one of which had to deal with spousal abuse, and we took thousands, I think over 70,000 guns now, gun permits, away from being issued to those who were spousal abusers. I had a bill on gun show loopholes, where anyone can walk up, no identification, nothing, no pictures, no address, nothing, just put your money up and take your gun. Some States control that, but others don't.

President Bush said on the campaign trail that he was in favor of closing that gun show loophole, where an unlicensed dealer could do business there and not break any laws, just sell them to the 10 most wanted if they came up to buy guns, etc., and he said that he thought an instant background check would work. There are some flaws in that.

Do you see, Governor, that this loophole challenges our ability to maintain security as vigorously as we would like it to be in this one area? After all, weapons distribution is a serious part of what our security is all about.

Mr. RIDGE. Senator, I think I recall the President's discussion of that issue during the course of the campaign, and not normally one to dodge jurisdictional questions, I think, one, it is probably better answered specifically by the Department of Justice.

But two, I don't—when anyone uses a firearm, whether it is the kind of terrorism that we are trying to combat with al Qaeda and these non-state terrorists, or as a former district attorney involved in the conviction of individuals who used firearms against innocent citizens, regardless of how we define terrorism, that individual and that family felt that they were victims of a terrorist act. Bran-

dishing a firearm in front of anybody under any set of circumstances is a terrorist act and needs to be dealt with.

I don't view it, as we take a look at the means and methods by which the terrorist organizations that we are trying to combat go about inflicting harm or damage on our society, I don't view that as being a high priority for them. But clearly, as a society, reducing the number of violent offenses with firearms is a legitimate objective just generally, with or without any implications for combatting terrorism.

Senator LAUTENBERG. Not having some identification about those who buy weapons, I mean, as we have seen of late, we are finding people who seem to be part of the terrorist structure, and getting guns, of course, is a likely step——

Mr. RIDGE. We discovered in Pennsylvania with our background check that we worked with gun control advocates and the NRA, we devised a system that provided for that kind of information being available, and believe it or not, there are still people with convictions and felonies who will actually go and try to purchase a firearm. We apprehend dozens of them.

So there is something for having that information available through your local law enforcement, but I don't quite see the terrorist connection that you might, and I say that respectfully, Senator. It is a problem that we need to deal with, violent crime, but I don't view it, based on the information we have presently, as being a—it is always an option to the kind of terrorist activity that homeland security is trying to deal with, but not a favored one at this point.

Chairman COLLINS. The Senator's time has expired about 3 minutes ago and we are going to do another round.

Senator LAUTENBERG. I see. Well, if I might, there are a couple of other questions like civil liberties in New Jersey. We have a substantial Arab American population and I want to know that they are protected from random kind of searches and things of that nature, and I will submit those questions in writing.

Mr. RIDGE. I am pleased to respond to them, Senator.

Senator LAUTENBERG. I thank you very much.

Chairman COLLINS. Thank you. I appreciate the cooperation of the Senator from New Jersey.

We are going to move to a second round of questions, but they will be only 4 minutes per Senator. We are going to try to adjourn around 1 p.m., so we will move to that right now.

Governor Ridge, I want to talk to you a little more about the relationship between the new Department and our first responders. A friend of mine who is a State trooper told me that when he first heard of the attacks of September 11, he was riding in his cruiser and he radioed into headquarters and was told that there was no information and they didn't know where to get further information, that the best source of information was CNN.

Similarly, in the latest Hart-Rudman report, there are concerns expressed that local and State police officers continue to operate in what the report describes as a virtual intelligence vacuum without access to the terrorist watch list. I hear concerns and complaints expressed by the police chief in the largest city in Maine about how communications are shared.

Could you tell us your plans for improving communications between the officials in Washington, headquarters, if you will, and those who are on the front lines, those who are first to respond in the event of an attack?

Mr. RIDGE. Madam Chairman, I think the means of communication and the source of the communication as we deal with first responders and law enforcement are actually several in nature. I know that FBI Director Mueller on a fairly regular basis through electronic communication updates and informs local law enforcement members who participate in the nearly 60 Joint Terrorism Task Forces around this country.

That is information that is law enforcement sensitive for their use only, not necessarily for public distribution, although occasionally it does get out in the public and we still haven't learned, I believe, to understand that there will be times when we do send information down to local law enforcement potentially for them to know, occasionally to act upon, that doesn't mean they have to do anything different than they are now. Let the law enforcement community do its work.

We will have a responsibility embodied in the statute as well as the President's national strategy to communicate threat information as it relates to critical infrastructure to the State and local law enforcement community, as well. We will be working together with the FBI, as we do now, on trying to streamline the process by which they get information, expand the kinds of information that they can get and get access to. Again, the statute, it directs the office and directs me to establish the protocols by which additional information can be timely communicated in usable form by local law enforcement. It has to be part of our information infrastructure system that we will develop in the Department.

Chairman COLLINS. Thank you. Senator Carper.

Senator CARPER. Thanks, Madam Chairman.

When you were Governor of Pennsylvania, did you undertake any major reorganizations of State Government?

Mr. RIDGE. Senator, I did, actually. There were a couple of them dealing with cabinets. There was one agency that we thought should expire and take its task and mission and put it in another. We did that, and then we did reorganize our environmental agency. Actually, the mission was too broad and we divided that and gave it two separate missions. So both in terms of merging and separating to do a better job. We moved a couple of organizations in both directions. One we merged, one we separated.

And I think at the end of the day, we were able to do it in consultation with our legislature, working with the employees that were affected, and hopefully somebody will conclude as they look back, it was a good thing that we did it and we were able to provide better service to whatever constituency—to the constituency of Pennsylvania because we did it.

Senator CARPER. When I think about the value of what you undertook there and how that might apply to the role you are undertaking now, this is several magnitudes beyond that——

Mr. RIDGE. Times 10, I think, maybe 20.

Senator CARPER. I suspect that the size of the workforce that you had in Pennsylvania was——

Mr. RIDGE. We had about 80,000, Senator. We had 80,000 employees in Pennsylvania. This is twice as large. The budget is about twice as large, so that is a factor, too. But the challenges are absolutely more complex.

Senator CARPER. Just to take this analogy a little bit further, let's assume there are only 49 States and that we decide to create a 50th and Pennsylvania was created by taking like a big part of Northern Delaware—— [Laughter.]

Mr. RIDGE. Another revisionist historical approach.

Senator CARPER. And other pieces from other States and somehow cobbling it together to form a commonwealth and you ended up being the first governor.

What I see going on here, this is a merger of sorts, where you are taking all these disparate units that have been in the past part of other government agencies, and now you have got to merge them together with all these different cultures to make them work effectively.

If I were doing that, I think I would look for help. I would look for a lot of help. But I would especially look for help from people who have had a lot of experience in merging different cultures, whether it would be private sector or public sector, people who have done that, been there and done that, and who could help me and, in this case, help you.

I presume that when you are looking for, like, a deputy secretary and you are looking for other people, whether it is on the payroll or folks that you would bring in as consultants or hired hands for a while, are you looking to do that to help merge all these cultures and to enable us to avoid the kind of delay and difficulty we had in creating the Department of Defense 50-some years ago?

Mr. RIDGE. Senator, we are. As you know, the President has nominated Gordon England, who is presently the Secretary of the Navy, to be the Deputy, and he has been involved in the private sector most of his life with very complex organizations and is knowledgeable from his private sector world about mergers and acquisitions and blending cultures and the like.

You have also given us an opportunity and some flexibility in the language of this statute to engage the services of people who had that kind of experience as we try to ramp up and take these 170,000 people and empower them in different ways, train them in different ways so they can maybe be even more effective in doing the job we ask them to do now. So we will rely on both internal and external sources for that.

Senator CARPER. I urge you to do that. On a different subject, others have raised the issue of intelligence and trying to figure out how we work with the CIA and the FBI and the unit within this new Department. Let me just ask, do you support the creation of a statutory Director of National Intelligence, and how do you feel about the creation of a new domestic intelligence agency?

Mr. RIDGE. Well, I believe the President's decision to task Director Mueller and the FBI with the responsibility of becoming our domestic counter-terrorism agency, give it primacy in that role, is a very appropriate role given to a very responsible and effective leader. Director Mueller in a very short period of time has substantially enhanced his counter-terrorism capability internally. He has beefed

up the analytical capacity of the FBI. He and Director Tenet of the CIA are putting together a program so they can begin to train and increase significantly the number of analysts available for the CIA to deal with counter-terrorism.

He also, through the support of Congress, and I think you have appropriated several hundred million dollars, is right in the middle of a very exciting—the creation of an infrastructure within the FBI that will make sure that some of the obstructions or impediments to the information flow that might have existed before he got there, he takes care of them through technology. And we have been working with Director Mueller to make sure that we have access to some of that information as we connect our units to his.

So I think, in balance, there is no need for a new domestic intelligence agency or counter-terrorism agency. That is the role the President assigned to the FBI and I think Bob Mueller has gone a long way into executing those responsibilities. He is moving quickly and he is moving effectively.

Senator CARPER. Thank you, and to Governor Ridge, my friend, good luck. Thank you for your willingness to serve.

Mr. RIDGE. Thanks, Senator.

Chairman COLLINS. Thank you, Senator Carper. Senator Coleman.

Senator COLEMAN. Madam Chairman, Governor Ridge, in my first series of questions, I talked a little bit about the communication issue between those at the Federal level and the State and local level. Just to briefly talk a little bit about the dollars, and you have addressed some of that already, but just a couple of observations.

If we are to have economic security—and you talk to moms and dads and know that this is the kind of issue they can't help but think about when taking care of their families, you have got to have personal security assured by strong national security. I think one can only look at the terrible circumstances that surrounded the Washington area, when the snipers were loose. Aside from the terrible human toll, there was also an the emotional toll and an economic toll. Commerce ground to a halt. So we have got to have national security if we are to have a strong economy.

The challenge we face now in my State is we have a $4.5 billion deficit. As a former mayor, I am very sensitive to unfunded mandates—things that we tell folks at the State and local level to do but without giving them the money to do it—so it comes out of the pockets of folks at the local level, which are already stretched very thin. But the reality is, at the national level, we are also being stretched thin facing our own deficit issues.

Talk to me a little bit about what you think can be done to help States, help those at the local level with the additional responsibilities that come with enhanced security, enhanced safety, enhanced preparedness under the current economic circumstances.

Mr. RIDGE. Senator, I believe there are core responsibilities that both the Federal Government and State Governments and local governments have constitutionally and that it is a mistake during these difficult times necessarily for any other level of government to look to the Federal Government, because they are in a deficit,

as if the Federal Government did not have a deficit and didn't have to deal with it in a meaningful and aggressive way.

Having said that, and understanding as a former governor that I had responsibility for public safety and as one of the key responsibilities, those kind of programs should continue to be the unique responsibility of the States and locals. If you have a difficult—I have had many conversations with my Governor friends that these are difficult times, you are going to have to set some priorities, because we are going to work our way through this difficult economic period. But in the meantime, everybody has to set priorities.

The President has said very clearly, in spite of our difficulty at the national level, that we do have a priority to significantly increase the Federal dollars available to assist States and locals deal with the threat of international terrorism. Hopefully, the omnibus bill will put the dollars into circulation that the President recommended almost a year ago, where we went from $19 billion to over $38 billion for homeland security, where bioterrorism dollars went from $1.5 billion to nearly $6 billion, where first responder money was increased 1,000 percent to $3.5 billion, where border security, I think the enhancements were substantial to an amount to include—the final sum was about $7 billion, somewhere in there.

Bottom line, everybody sets priorities. We, the Federal Government, have a responsibility to—the President has accepted this—to work with our first responders in certain very important but limited ways, and I think he has been—we have been very appropriate. I had to certify that budget that you are voting on now. Is it necessary? Yes. Is the level appropriate? Yes. It is my hope that we can get this omnibus bill through and get those dollars out the door, because your mayor friends and my governor friends can't wait to take that and start building the capacity that we have asked them to build.

Senator COLEMAN. Thank you, Governor. Thank you, Madam Chairman.

Chairman COLLINS. Thank you very much, Senator Coleman.

Governor Ridge, there is just one more matter that I want to address with you. As you know, I am hopeful that the Committee will waive the rules and act favorably on your nomination today. In order to do so, however, I need to secure a commitment from you to respond in a timely fashion to questions submitted for the record. I have a whole stack myself that I didn't get to today. Are you willing to give us that commitment?

Mr. RIDGE. Madam Chairman, I assumed that with the schedule today of people moving back and forth, there would be quite a few questions, and we will get to them as soon as they are sent to us and we will respond in a timely way.

Chairman COLLINS. I appreciate that commitment. Without objection, the record will be kept open until 5 p.m. today for the submission of any written questions and statements. Senator Santorum asked for me to let you know, Governor Ridge, that he apologized for not being able to rejoin us. He was here at the beginning——

Mr. RIDGE. I noticed that. Thank you, Senator.

Chairman COLLINS My hope is to hold a markup on this nominee after the next floor vote. It will be held in the President's Room for

the convenience of my colleagues. Senator Lieberman has graciously agreed that we would waive the Committee's rules in order to act today on the nomination and that is my hope and intent.

With that, I want to thank you, Governor Ridge, for appearing before the Committee today and for fully answering our questions. I believe our Nation is extremely fortunate that an individual of your caliber has agreed to accept this truly awesome responsibility. So I thank you for being here and I look forward to working with you and I hope to have good news later today.

Mr. RIDGE. Thank you very much, Madam Chairman. Thank you.

Chairman COLLINS. The meeting is now adjourned.

[Whereupon, at 1 p.m., the Committee was adjourned.]

APPENDIX

WRITTEN TESTIMONY FOR THE CONFIRMATION HEARING OF TOM RIDGE, NOMINEE FOR THE SECRETARY, DEPARTMENT OF HOMELAND SECURITY

I would like to first thank you, Senator Collins and Senator Lieberman, and all the members of the Committee for moving expeditiously to conduct today's hearing.

As I have said many times before my nomination was announced, and as I have said many times since, to me there is no more serious job in all the land than stopping future terrorist incidents from occurring on American soil. I can imagine no mission more imperative than protecting the American people; and should another terrorist attack occur, I can think of nothing more crucial than working to ensure that every single echelon of society is as prepared as possible to respond.

I wish to commend the Congress again for pressing forward and taking bold and historic steps to establish this new Department of Homeland Security. Together, the Congress and the Executive Branch realized the current structure of our government limited our ability to protect America. Now, for the first time, we will have a Federal Department whose primary mission is the protection of the American people.

America is undoubtedly safer and better prepared today than on September 10th, 2001. We have taken key steps to protect America – from pushing our maritime borders farther from shore and professionalizing airport screening to developing vaccination plans and tightening our borders. Public servants at all levels of government, private sector employees, and citizens all across the United States have changed the way in which they live and work in a unified effort to improve our security since the September 11th attacks.

For the first time in our Nation's history, the President has created a *National Strategy for Homeland Security,* a strategy which provides the framework to mobilize and organize the nation – the federal government, state and local governments, the private sector, and the American people – in the complex mission to protect our homeland. We have begun the very first steps of critical work in the initiative by identifying and assessing our vulnerabilities to see where we are exposed to an unpredictable enemy.

That said, we are only at the beginning of what will be a long struggle to protect our Nation from terrorism. While much has been accomplished, there is much more work to do. We are a country that is built from ingenuity and hard work and we will not rest on our laurels. We must stay focused. We must stay vigilant.

We have no higher purpose than to ensure the security of our people to protect and preserve our democratic way of life. Terrorism directly threatens the foundations of our Nation, our people, our freedom, and our economic prosperity. We face a hate-filled, remorseless enemy that takes many forms, has many places to hide, and is often invisible.

The role of the Secretary of Homeland Security will be, first and foremost, the protection of the American people. Since being sworn in by the President as the first Homeland Security Advisor on October 8th, 2001, I have been focused solely on this mission.

Shortly after the President made his speech to the nation announcing his intention to propose the creation of the Department of Homeland Security, he also appointed me as Director of the Transition Planning Office. It was in that capacity that I testified in front of Congressional committees in both the House and Senate about the vision we were undertaking that began the critical partnership of working with Congress to ensure the success of this venture.

In the time since, I have helped to guide the men and women in the Transition Planning Office, who are detailed from all of the agencies affected by the legislation. They have been working undeterred and with a strong sense of urgency. In the nearly 60 days since the President signed the Homeland Security Act of 2002 into law, our Transition staff has laid the framework for an organizational structure that will best accomplish our goals and create a professional workforce focused first and foremost on the mission of protecting our homeland.

The Secretary of Homeland Security, however, is only one person who, without the support of those who have dedicated and risked their lives to protecting America, will not succeed. Should I be confirmed as the Secretary of Homeland Security, I will go to work every single morning with the mission of protecting the American people from the threat of terrorist attack, knowing that the most valuable asset the new Department will have is not funding, or technology, or equipment, but the men and women who work there.

These are the true patriots in every sense of the term. They are vital to the mission. The more than 170,000 future employees of the Department of Homeland Security will be doing the same job in the new Department that they are doing today: protecting our country from terrorist attack. That focus exists now, and it will exist long after the Department is created.

We will also not forget the breadth of the task at hand. This is the largest and most significant transformation of the U.S. government in over a half-century. We will not be naive to the challenge of merging 22 separate work cultures, operating procedures and management procedures into one cohesive organization. At the same time, we cannot lose sight of the individual missions of each of the agencies. But we must create a mindset in which everyone is thinking about how each of their missions fit into the larger mission of protecting our homeland. From day one, we will not allow for invisible barriers to lead to the breakdown of information. To be successful, we will need to foster teamwork and a strong sense of pride about working together to accomplish the mission.

However, unifying in one Department on the federal level will not in itself be able to stop all attempts to do harm to America. We must realize fully the value of cultivating partnerships and cooperating with our partners in other federal agencies, state and local governments, the private sector and with the American people.

As a former Governor, I am keenly aware of the shared responsibility that exists between the federal, state, and local governments for homeland security. In fact, over the past year I have often said that "when our hometowns are secure, our homeland will be secure." That is not merely rhetoric, but a fundamental principle of the nation's homeland security effort.

I'm pleased to report that all 50 states and the territories have appointed homeland security advisors and that they participate regularly in meetings at the White House and in bi-monthly conference calls with the Office of Homeland Security. We have, for the first time, created a single entry point to address many of the homeland security concerns of our Governors and Mayors.

We know, however, that much more needs to be done. We must recognize that communities and state and local governments face new and unprecedented threats. As such, the new Department should stand ready to work with them to obtain the tools, resources, and information they need to do their jobs. We also must develop new channels of communication with private sector organizations, and provide clear, concise, scientifically sound and easily accessible information so that Americans citizens can be prepared in the event their community is affected by a terrorist act.

If I should become the new Secretary, you have my pledge that I will focus on increased collaboration and coordination so that public and private resources are better aligned to secure the homeland and support each one of our critical missions.

Supporting the *National Strategy for Homeland Security*
I also wish to state my promise that I will do everything in my power to use the office of the secretary to keep the Department focused on all six of its critical missions outlined in the *National Strategy for Homeland Security*. They include:

- Intelligence and Warning,
- Border and Transportation Security,
- Domestic Counterterrorism,
- Protecting Critical Infrastructure and Key Assets,
- Defending Against Catastrophic Threats, and
- Emergency Preparedness and Response.

While each of these missions is unique, each is essential to our primary mission of protecting the security of the United States. Some, such as Emergency Preparedness and Response, have long played key roles in helping society overcome hardship and emergencies; while others are byproducts of the harsh reality that terrorism can strike on our soil.

As I said earlier, the future employees of the Department of Homeland Security will be doing the same job in the new Department that they are doing today. The difference is that the new structure of the Department will refocus, consolidate and reorganize the functions of each of the 22 agencies involved in protecting the homeland.

The Department will be structured into four Directorates, each responsible for implementing the applicable components of the six critical missions. They are:

- Border and Transportation Security,
- Information Analysis and Critical Infrastructure Protection,
- Emergency Response and Preparedness, and
- Science and Technology.

The United States Coast Guard and Secret Service will retain their independence and will play key roles in supporting all of the critical missions.

I would like to give you a sense of how I believe this unified homeland security structure will mobilize and focus the resources of the federal government, state and local governments, the private sector, and the American people to accomplish its mission; beginning first with one of the most sizable challenges, border and transportation security.

Border and Transportation Security

America has historically relied on two vast oceans and two friendly neighbors for border security. And our country has long cherished its identity as a nation of immigrants. Nearly 500 million people enter our country each year at our numerous border checkpoints, seaports and airports. The sheer volume of those wishing to visit our great country or move here permanently in search of the American dream, coupled with the burden of processing vast amounts of information from disparate federal agencies, has severely taxed our border security and immigration systems. Even before September 11th, it had become apparent that the system could no longer determine who exactly was in our country, for what reason, and whether they left when they said they were going to leave.

Since then, we have made substantial improvements to tighten security in areas like visa issuances and border patrol; but more importantly, we have laid the foundation for a comprehensive plan with tangible benchmarks to measure success through the *National Strategy for Homeland Security.*

The new Department will be organized to implement this plan efficiently and meet its two inherent strategic goals: to improve border security while at the same time, facilitate the unimpeded flow of legitimate commerce and people across our borders.

We will implement the President's plan to separate the Immigration and Naturalization Service into two functions: services and enforcement. This plan will allow the new Department to greatly improve the administration of benefits and services for applicants, while at the same time ensuring full enforcement of the laws that regulate the flow of aliens to the United States. I realize that this is no simple task. But if we are to remain the land of freedom and opportunity, we must retain complete control over who enters our country and maintain the integrity of our immigration system so that we always know who is in our country and for what purpose.

The integrity of our borders goes hand-in-hand with the security of our transportation systems. Today, Americans are more mobile than ever. We enjoy the freedom to go where we want, when we want, using the best transportation system in the world. This efficient system is also one of the engines that drives our economy. Shutting down that engine is not a viable option.

But the destructive potential of modern terrorism requires that we fundamentally rethink how we should protect this system. Virtually every community in America is connected to the global transportation network by seaports, airports, highways, railroads, and waterways.

One area in which we have shown significant progress is security at our nation's airports. The Transportation Security Administration, under the leadership of the Department of Transportation, has hired, trained and deployed a new federal screening workforce that is professional and focused on providing the highest levels of security without hindering our aviation system. We need to build on that success, but at the same time realize we have farther still to go. The new Department must work with its federal and private sector partners to assess and take the necessary steps to secure our means of transportation, including our railways, roadways, bridges, waterways and especially our seaports.

We must take immediate action to make sure our seaports are open to process the flow of goods and commercial traffic, but are closed to terrorists. A vast majority of container cargo remains unscreened. Port security remains the responsibility of a myriad of local port authorities, federal agencies and the Coast Guard. However, we are making changes. We must enhance risk management and implement practices that allow for higher efficiency screening of goods. Our fundamental goal is to make certain that heightened security does not obstruct legitimate trade.

Progress, however, is already underway. Programs like the Container Security Initiative are helping nations spot and screen the highest-risk containers. Operation Safe Commerce focuses on business-driven initiatives to enhance security for the movement of cargo throughout the entire supply chain. Most recently, Congress passed the Maritime Transportation Security Act, which gives authority to the Coast Guard and Customs Service to develop standards and procedures for conducting port vulnerability assessments.

United States Coast Guard

The men and women of the United States Coast Guard, who live under the guiding principle *Semper Paratus* or Always Ready, have been performing the mission of Homeland Security in a complex and dangerous maritime environment for more than 200 years. The Coast Guard's fundamental responsibilities -- preparedness, protection, response and recovery -- cut across all facets of the Department's mission.

Every day since the September 11th terrorist attacks, the Coast Guard pushes our maritime borders farther from shore. All ships bound for the U.S., regardless of registry, face a multi-layered, interagency security screening process in addition to traditional safety, environmental and operational standards enforcement, plus random boardings. Vessels now must provide 96-hour advance notice of arrival to the Coast Guard National Vessel Movement Center, including detailed crew and passenger information, cargo details, and voyage history. The Coast Guard has also created highly trained and specially equipped Maritime Safety and Security Teams to add an extra layer of security and additional quick-response capabilities in key U.S. ports.

But let me make one thing clear. The new Department will not lose focus of the Coast Guard's other critical missions. From search and rescue, anti-drug and illegal migrant patrols to fisheries enforcement and aids to navigation, I will work personally to ensure that the Department continues to support the entirety of the Coast Guard mission.

No branch of the Armed Forces has as much history in protecting the homeland, and should I be confirmed as Secretary, I can think of no honor that would make me more proud than calling myself a Service Secretary of the Coast Guard.

United States Secret Service

The Secret Service represents another unique critical mission that aligns with the core competencies of the new Department and will remain independent. Through its two distinct missions, protection and criminal investigation, the Secret Service is responsible for the protection of the President, the Vice President and their families; heads of state; the security for designated National Special Security Events; and the investigation and enforcement of laws relating to counterfeiting, fraud and financial crimes.

The Secret Service is, and has been for decades, in the business of assessing vulnerabilities and designing ways to reduce them in advance of an attack. This expertise will greatly benefit the Department as we strive to create an overall culture of anticipation, vulnerability assessment, and threat reduction. Building on these institutional ideals will be of the utmost importance as it pertains to nearly all of the missions in the Department, but none more so than protecting our critical infrastructure.

Information Analysis and Critical Infrastructure Protection

On September 11th, we were dealt a grave, horrific blow, and today we face the real possibility of additional attacks of similar or even greater magnitude. Our enemy will choose their targets deliberately based upon weaknesses in our defenses and preparations. Thus, a fundamental priority in our mission must be to analyze the threat, while concurrently and continuously assessing our vulnerabilities. The Department is structured in such a way as to efficiently conduct this task.

The Information Analysis and Critical Infrastructure Directorate will bring together for the first time under one roof the capability to identify and assess threats to the homeland, map those threats against our vulnerabilities, issue warnings, and provide the basis from which to organize protective measures to secure the homeland.

For this Directorate to play an effective role in the mission of securing our homeland, I believe a top priority will be to work with the CIA, the FBI and other intelligence-gathering agencies to define the procedures from which to obtain the appropriate intelligence. This means that the Department will be a full participant, at all levels, in the mechanisms for setting foreign intelligence requirements, including the prioritization for terrorism, weapons of mass destruction, and other relevant foreign intelligence collection activities. We also must continue to work with the FBI as they reorganize to most effectively collect domestic intelligence.

More than just countering each identified threat, the Department will design and implement a long-term comprehensive and nationwide plan for protecting America's critical infrastructure and key assets. A key mission of the Information Analysis and Critical Infrastructure Protection division will be to catalogue and reduce the Nation's domestic vulnerability.

America's critical infrastructure encompasses a large number of sectors ranging from energy and chemical to banking and agriculture. Each has unique vulnerabilities, and each requires different kinds of protection. This, coupled with the fact that nearly 85 percent of critical infrastructure is owned by the private sector – and that 12 separate federal agencies have oversight authority -- creates an enormous challenge.

Realizing the breadth of this task, the Office of Homeland Security began working with the federal lead departments and agencies for each of the 14 critical infrastructure sectors designated in the President's *National Strategy for Homeland Security*. This cooperation has included the identification of infrastructures and assets of national-level criticality within each sector; facilitating the sharing of risk and vulnerability assessment methodologies and best practices; and enabling cooperation between federal departments and agencies, state and local governments, and the private sector.

This process, however, is only the beginning. The Department of Homeland Security will provide greater uniformity to these efforts and further strengthen the relationships with the private sector and state and local governments so that we can integrate the threat and vulnerability analysis in a way that will help produce effective countermeasures. As this information is collected and mapped to critical infrastructure vulnerabilities, our top priority must be to get this information to those federal, state and local officials to whose mission the information is relevant. These individuals represent the first line of defense against and response to a terrorist attack, and we must make it a priority to keep them properly informed and aware.

Emergency Preparedness and Response

Our nation's three million firefighters, police officers, and EMTs are the first on the scene in a crisis and the last to leave. Their heroic efforts saved lives and speeded the recovery from the attacks of September 11th, and they will be called upon to do so in the event of future attacks against our hometowns. They're living proof that homeland security is a national, not a federal effort.

We must give these brave men and women all the assistance and support possible. Under the Emergency Preparedness and Response Directorate in the new Department, we will strengthen our relationship with first responders and partner with the states, cities and counties that manage and fund them. We will work with Congress to provide them with the resources they need, beginning with the President's First Responder Initiative, which offered a thousand-percent increase in funding to equip, train and drill first responders to meet a conventional attack or one involving a weapon of mass destruction.

We will build on the strong foundation already in place by the Federal Emergency Management Agency, which for decades has provided command and control support and funding support in disasters, whether caused by man or Mother Nature.

The new Department of Homeland Security will consolidate at least five different plans that currently govern federal response to disasters into one genuinely all-discipline, all-hazard plan – the Federal Incident Management Plan. This will eliminate the artificial distinction between "crisis management" and "consequence management." Moreover, it will consolidate grant programs for first responders and citizen volunteers that are now scattered across numerous federal agencies. This will prevent waste and duplication, and ultimately save lives, including the lives of first responders.

In a crisis, the Department will for the first time provide a direct line of authority from the President through the Secretary of Homeland Security to a single on-site federal response coordinator. All levels of government will have complete incident awareness and open communication.

The Department will also direct our federal crisis response assets, such as the National Pharmaceutical Stockpile and nuclear incident response teams – assets that work best when they work together. In doing all this, we believe we can build the capabilities for a proactive emergency management culture – one that is well-planned, well-organized and well-equipped to not just manage the risk, but reduce the risk of death and damage to property.

It is vitally important to remember that no matter what steps we take to preempt terrorists, we cannot guarantee that another attack will not occur. However, we must be prepared to respond. We must also take brave new steps, think creatively and invest in homeland security technologies that aim to stay one step ahead of the technologically proficient terrorists.

Science and Technology

As stated in the President's *National Strategy for Homeland Security*, our Nation enjoys a distinct advantage in science and technology. We must exploit that advantage. And just as technology has helped us to defeat enemies from afar, so too will it help us to protect our homeland.

Creating a Directorate in the new Department specifically devoted to Science and Technology for the homeland represents an exciting milestone. For the first time, the federal government will harness American ingenuity to develop new synergies and form robust partnerships with the private sector to research, develop and deploy homeland security technologies that will make America safer.

The science and technology organizational structure, while still being defined, is envisioned to be a streamlined, integrated team that will access the technical resources and assets of the private sector, academia, and federal government. It will be based on customer-focused portfolios for countering chemical, biological, radiological and nuclear attacks and for conducting and enhancing the normal operations of the Department. Research, development, test and evaluation programs will address the greatest threats and highest priorities based on assessments of threats, customer requirements and technological capabilities.

The technologies developed through this research and development should not only make us safer, but also make our daily lives better. These technologies fit well within our physical and economic structure and our national habits. And the Science and Technology Directorate will have a structure that ensures those who are the end users of all technologies provide their expertise throughout the entire lifecycle of research, development and acquisition of systems.

Before any new homeland security technologies are deployed, we will ensure that we are upholding the laws of the land. Any new data mining techniques or programs to enhance information sharing and collecting must and will respect the civil rights and civil liberties guaranteed to the American people under the Constitution. Furthermore, as we go about developing new technologies and programs to strengthen our homeland, treating citizens differently on the basis of religion or ethnicity will not be tolerated.

Before I close, I wish to again underscore an earlier point. No matter how this organization is structured it will not achieve its mission without the dedication of its employees. And the key to ensuring the Department's mission and focus throughout the transition will be the continuing support of those conducting the day-to-day work. This will be an all-inclusive effort. We will eagerly solicit and consider advice from employees, unions, professional associations and other stakeholders.

We will create a human resource model that will be collaborative, responsive to both its employees and the mission of the agency.

First, we will work to create some measure of stability for employees even as we undergo the transition. For the first year, employees can expect to receive at least the same pay and benefits, and probably in the same location. Some people will certainly be able to take advantage of new career opportunities.

Second, we will work hard to create a modern, flexible, fair, merit-based personnel system. Third, we will communicate to ensure that personnel know what to expect and when to expect it. Fourth, we will work hard to ensure that employees continue to receive the same civil service protections that they currently enjoy. Most importantly, we aim for the Department's employees to be better able to do their jobs with more support and more effective use of resources.

Finally, I will insist on measurable progress from all of the agencies and bureaus that will make up the Department of Homeland Security. Americans must and will know when improvements have been made.

In a town hall I hosted with future employees of the Department in December, I made all of these promises to them, as well as the pledge to keep them informed and aware of historic changes before them. Should I be confirmed, I make that same pledge to you.

In closing, during our darkest hour on September 11th, American spirit and pride rose above all else to unify our Nation. In the time since, we have fought a new kind of war -- one that has a new enemy, new techniques, new strategies, new soldiers and is fought on a new battlefield -- our own homeland. Our response has been strong, measured and resolute. But nothing has been more profound as the creation of one Department whose primary mission is the protection of the American people.

The Department of Homeland Security will better enable every level of federal, state and local government; every private sector employee; and, ultimately, every citizen in our Nation to prevent terrorist attacks, reduce America's vulnerability and respond and recover when attacks do occur.

The road will be long, and the mission difficult. We will not have truly succeeded until the day when terrorists know the futility of attacking Americans and Americans know we have the ability to protect them. The bottom line is, we will secure the homeland – whether by the efforts of thousands of people working together, or by a single scientist working alone in a laboratory – whether from behind a desk in Washington, or at the far corners of the continent. We will accomplish our mission.

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U.S. SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS
BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)

   Thomas Joseph Ridge

2. **Position to which nominated:**

   Secretary of the United States Department of Homeland Security

3. **Date of nomination:**

   January 2003 ***[Note: President's intent to nominate announced on Nov. 25, 2002.]***

4. **Address:** (List current place of residence and office addresses.)

   Temporary residence:

   Permanent residence:

   Office address: The White House
   Washington, DC 20502

5. **Date and place of birth:**

   08/26/1945, Munhall, Allegheny County, PA

6. **Marital status:** (Include maiden name of wife or husband's name.)

   Married to Michele Moore Ridge

7. **Names and ages of children:**

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

09/1967 – 05/1968* and 09/1970 – 05/1972 – Dickinson School of Law, JD, 05/1972
* During interim served in the United States Army, including service in Vietnam

09/1963 – 05/1967 – Harvard University, BA Government, 5/1967

1959 – 1963 – Cathedral Preparatory School, Erie, PA

1951 – 1959 – St. Andrew School, Erie, PA

9. **Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary)

10/2001 – Present – Assistant to the President for Homeland Security, The White House, Washington, DC 20502

01/1995 – 10/2001 – Governor of Pennsylvania, The Commonwealth of Pennsylvania, Harrisburg, PA

01/1983 – 01/1995 – United States Congressman for congressional District 21 in Pennsylvania, The United States House of Representatives, Washington, DC

01/1980 – 07/1982 – Part-time Assistant District Attorney, Erie County District Attorney's Office, Erie, PA

1972 – 1982 – Private practice of law, Erie, PA

1968 – 1970 – Infantry Sergeant, United States Army, Vietnam

1970 – 1972 – Part-time employment while attending law school in Carlisle, PA as follows:

Jolly Bull Restaurant – Waiter
Commonwealth of Pennsylvania – Clerk for State Senator
Robert Hanson, Esq. – Law Clerk
Central Penn Business School – Instructor

1963 – 1968 – Summer employment: Worked construction with assignments out of Labor Local 603, Erie, PA

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

    See responses to question 9 above, and to questions 12 and 13, below.

11. **Business relationships:** List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

    See responses to question 9 above, and to questions 12 and 13, below.

12. **Memberships:** List all memberships and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

    To the best of my recollection, these include:

    Veterans of Foreign Wars
    Vietnam Veterans of America
    American Legion

    National Governors Association
    National Governors' Task Force on Fatherhood Promotion – Co-Chairman
    Republican Governors Association
    Republican National Committee Labor Council – Chairman

    House Wednesday Group – Member
    House 92 Group – Member
    House Military Reform Caucus – Member
    House Banking, Finance and Urban Affairs Committee – Member
    House Post Office and Civil Service Committee – Member
    House Veterans Affairs Committee – Member

    International Laborers Union – Local 603 (college summer employment)
    Pennsylvania Bar Association
    American Trial Lawyers Association
    Erie County Bar Association
    Greater Erie Community Action Committee, Board Member
    St. Mary's Nursing Home, Board Member
    Erie County Republican Party
    National Moot Court – Corpus Juris
    Dickinson School of Law, Penn State University

Freshman Council, Harvard University
Crimson Key Society, Harvard University
Combined Charities, Harvard University

13. **Political affiliations and activities:**

See also answers to questions 9, 10 and 12, above.

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Governor of Pennsylvania
Congressman for Pennsylvania District 21
Chairman, Republican National Committee Labor Council

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Tom Ridge for Congress – 1992 – 1994 (Principle Campaign Committee/Closed)
Fund for Pennsylvania Leadership, Honorary Chairman, 1991 to 1998 (Closed)
Ridge for Governor Committee (Principle Campaign Committee/Closed)
Ridge Leadership Fund, Honorary Chairman (Closed)
Friends of Governor Tom Ridge (Closed)
Dole for President, State Chairman – 1996
George W. Bush for President, Pennsylvania General Chairman – 2000
Republican National Committee
Republican National Committee Labor Council – Chairman
Republican National Convention – Delegate

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 5 years.

To the best of my recollection, during the past five years I have not made any individual political/campaign contributions.

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Bronze Star for Valor, United States Army
Army Commendation Medal
Vietnamese Cross of Gallantry
Combat Infantry Badge

Honorary Doctorate of Public Policy, Carnegie-Mellon University
Honorary Doctorate of Humane Letters, Lehigh University
Honorary Doctorate of Laws, Widener University
Honorary Doctorate of Public Service, Westminster College
Honorary Doctorate of Laws, Thiel College
Honorary Associate of Letters, Community College of Philadelphia
Honorary Doctorate of Humanities, Kings College
Honorary Doctorate of Laws, Dickinson College
Honorary Doctorate of Business Administration, Robert Morris College
Honorary Doctorate of Laws, York College

William F. Goodling Literacy Award from the National Center for Family Literacy
Sidney R. Yates Advocacy Award from the Association of Performing Arts Presenters
John Marshall Award from the American Bar Association
Abraham Lincoln Award from the Union League of Philadelphia/Youth Foundation
Frank J. Lucchino Award from Allegheny County Library Association
Team Pennsylvania Foundation Board Award
Conservationist of the Year, Pennsylvania Wildlife Federation & Audubon Pennsylvania
Award for State Arts Leadership from the U.S. Conference of Mayors
Spirit of Enterprise Award from the U.S. Chamber of Commerce
Guardian of Small Business Award from NFIB
Tree of Life Award from the Jewish National Fund of the Pittsburgh Region
Governor of the Year Award for 1999 from the Safari Club International
Friend of Zion Award from the Jerusalem Fund
Golden Bulldog Award – Watchdog of the Treasury — 1987, 1988, 1989, 1990 and 1992
Pennsylvania Chamber of Business & Industry Man of the Year – 1998
Harvard College Scholarship

Note: The above list (as with every other portion of this document) represents my best recollection of awards and honorary degrees over the past 40 years; I recognize that it is possible that this list could contain errors and that, e.g., there may have been additional awards or honorary degrees that are not occurring to me or for which records are not available at this time.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

During over 20 years of government service, I have authored numerous OpEd or related such articles in newsletters, newspapers or other periodicals. I am not aware of any complete listing of all such articles. Therefore, below is a partial listing of editorial writings and articles written over the years, compiled by staff by searching various newsbanks, which may or may not be fully comprehensive. In addition, during my congressional career, I authored a weekly congressional view column, which was distributed to various media sources in Pennsylvania, including small local newspapers in Pennsylvania's 21st Congressional District, which may or may not be covered in the attached list.

Alert system works, USA TODAY, September 26, 2002.

Tom Ridge and Jane Harmon, *We must unite on homeland security,* THE SAN DIEGO UNION-TRIBUNE, September 24, 2002.

Department of Hollow Security?; Congress must give new department managerial flexibility, THE WASHINGTON TIMES, August 1, 2002.

Homeland security is cause of today, THE DESERET NEWS (Salt Lake City, UT), July 5, 2002.

Progress on many fronts, USA TODAY, May 29, 2002.

Very funny; now, please pay attention, WALL STREET JOURNAL, April 10, 2002.

Fighting the war on terrorism here at home, THE HILL, February 13, 2002.

Stigma remains biggest obstacle to mentally ill re-entering society, THE MORNING CALL (Allentown, Pa.), May 17, 2001, First Edition.

The real source of energy, Solution to crisis is free enterprise, THE WASHINGTON TIMES, March 28, 2001, Final Edition.

It's little things that make a father; And connecting dads and kids is one of the biggest jobs state is trying to do, SUNDAY NEWS (Lancaster, Pa.), June 18, 2000.

Time fathers spend with children translates into lifetime memories, THE MORNING CALL (Allentown, Pa.), June 18, 2000, Second Edition.

Fathers are teachers; on father's day, Gov. Tom Ridge remembers his dad – and explains why promoting fatherhood can help to solve a host of social problems, PITTSBURGH POST-GAZETTE, June 18, 2000, Two Star Edition.

Republican education reforms put parents and children first, THE MORNING CALL (Allentown, Pa.), May 24, 1999.

GOP missed chance to address sprawl, THE PLAIN DEALER (Cleveland, Oh.), March 18, 1999.

Yes, the GOP can be a friend of the environment, PHILADELPHIA DAILY NEWS, March 18, 1999.

GOP needs environmental plan, THE DESERET NEWS (Salt Lake City, UT), March 16, 1999.

Needed: a G.O.P. environmental identity, THE NEW YORK TIMES, March 15, 1999, Late Edition - Final.

Education's new Ed-Flex options, (co-author) THE WASHINGTON TIMES, March 15, 1999, Final Edition.

Pa. welfare changes are common sense, THE PHILADELPHIA INQUIRER, February 28, 1999.

How to get this done: Stadiums, the state and Pittsburgh's fate, PITTSBURGH POST-GAZETTE, December 6, 1998.

Pennsylvania increases global connections in Asia, THE PHILADELPHIA TRIBUNE, December 26, 1997.

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Legislation sends help where it's needed most, WALL STREET JOURNAL, May 13, 1992.

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16. **Speeches:** Provide the Committee with four copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Attached are five sets of two binders, containing copies of over 100 formal speeches (or third party transcripts of testimony) I have delivered during the last 5 years of which I have copies and which are on topics relevant to my nomination as Secretary of the U.S. Department of Homeland Security. Not included are informal speeches/remarks, formal speeches of which I do not have copies, and/or speeches on topics that are not relevant, whether rendered either in my current position as Assistant to the President for Homeland Security or in my prior position as Governor of Pennsylvania.

It should be noted that virtually all of the attached speech copies are in actuality drafts of speeches as prepared in advance. During actual remarks I often do not follow these types of prepared texts verbatim, but rather, speak extemporaneously from the podium. Therefore, the actual spoken remarks may have differed substantially from the "as prepared" drafts.

Where available to me, the attached binder also includes numerous transcripts of formal testimony or remarks. Obviously, I cannot personally vouch for the verbatim accuracy of those transcripts. In most cases the transcripts were obtained from third party sources (e.g., news organizations), and as such, the transcripts were not prepared, authenticated or adopted as verbatim by the Executive Office of the President, or myself.

17. **Selection:**

(a) Do you know why you were chosen for this nomination by the President?

On November 25, 2002, President George W. Bush said that:

"Americans know Tom [Ridge] as an experienced public servant and as the leader of our homeland security effort since last year. He's done a superb job. He's the right man for this new and great responsibility."

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

As is well known, I have served our country and the public for most of the past 35 years, beginning as a soldier in Vietnam, continuing as a local prosecutor in my hometown of Erie, and later as a Member of Congress for 12 years and as Governor of America's fifth-largest state for nearly seven years. All of these positions have provided both background and experience in leadership and in managing large and complex government institutions, getting the best out of people and finding common ground between competing public and private interests.

As the President's Homeland Security Adviser since the position's inception, I have witnessed first-hand the incredible work being done every day at the federal, state and local levels to protect America from terrorism. Working with both the public and private sectors, we developed and are helping the President and the Administration to implement a truly National Strategy for Homeland Security. We have examined the gaps in our defenses, and, with the help of Congress, closed many of them, particularly at our airports, borders and public health systems. Much more remains to be done, however, and I ask for your continued support and confidence as America's efforts continue with the new Department of Homeland Security.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you server all connections with your present employers, business firms, business associations or business organizations if you are confirmed by Senate?

   My sole present employer is the Executive Office of the President of the United States. Other than the investments referenced herein and/or in the attached, I have no such connections with any business firms, business associations, or business organizations.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No.

5. If confirmed, do you expect to serve out your full term or until the next President election, whichever is applicable?

   Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

   I have been a full time government employee throughout the past 10 years, and during that time I have had no clients or employers other than the government. Attached is a copy of my draft Standard Form 278 (SF 278) for 2003 – the Executive Branch Public Financial Disclosure Report. This draft SF 278 has already been provided to the Office of Government Ethics (OGE), and my staff has been working with OGE (and I am happy to work with this Committee) to identify and address any potential conflicts.

2. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy other than while in a federal government capacity.

   Served as Governor of Pennsylvania from 01/1995 – 10/2001.

3. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

   Yes. As noted above (see Part C, No. 1), my staff has already been working with OGE, as well as talking with Committee staff (re:, e.g., the fact that because the agency – the new Department of Homeland Security – has no legal existence until January 24, 2003, and therefore there is no "agency" which could yet have a designated agency ethics officer).

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

   No.

2. To your knowledge, have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by any federal, State, or other law

enforcement authority for violation of any federal, State, county or municipal law, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Beginning in 1968, and during most of my adult life, I have served in various state, local, and federal government positions. As a result, most of my life has long been a matter of extensive public record. I would be happy to address any specific questions regarding my public service or any other relevant issues that you might have.

E. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

PRE-HEARING QUESTIONNAIRE FOR THE NOMINATION OF TOM RIDGE, NOMINEE FOR SECRETARY, DEPARTMENT OF HOMELAND SECURITY

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PRE-HEARING QUESTIONNAIRE FOR THE NOMINATION OF TOM RIDGE, NOMINEE FOR SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Nomination Process and Conflicts of Interest

1. **Were any conditions, expressed or implied, attached to your nomination? If so, please explain.**

A: No.

2. **Have you made any commitments with respect to the policies and principles you will attempt to implement as Secretary of the Department of Homeland Security (DHS or Department)? If so, what are they and to whom have the commitments been made?**

A: No.

3. **If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures you will use to carry out such a recusal or disqualification.**

A: I do not expect any conflicts, but will continue to endeavor to be alert to potential issues. Towards this end, I have previously submitted a copy of my draft Standard Form 278 (SF 278) – the Executive Branch Public Financial Disclosure Report – for 2003 to the Office of Government Ethics and to this Committee for review. In response to the Committee's request, I am also preparing a confidential personal financial statement which identifies and states the value of all assets of $1,000 or more. Please note that the identity of these assets and the range of the corresponding values were already disclosed to the Committee via my draft SF 278. In addition, my staff has already been working with Office of Government Ethics to identify and address any potential conflicts. In addition, I am happy to continue to work with the committee regarding these submissions.

Role and Responsibilities of the Secretary of DHS

4. **How do you view the role of the Secretary of DHS? What would you highlight from your experience that will enhance your effectiveness in this role?**

A: Following the tragic events of September 11, the President established the Office of Homeland Security and the Homeland Security Council. On October 8, 2001, I was sworn in as the first Office of Homeland Security Advisor in the history of the United

States of America. Prior to my experience as the Homeland Security Advisor, I was Governor of Pennsylvania from 1995 to 2001 and prior to that, I was a United States Congressman from the 21st District of Pennsylvania from 1982 to 1994.

The role of the Secretary of Homeland Security will be first and foremost, the protection of the American people. We will not be able to stop all attempts by those who wish to do harm to America, but we will ensure that everything possible is done to deter terrorists, protect our nation, and be prepared to respond to incidents if they do occur.

5. **What would be your priorities as Secretary?**

A: Should I be confirmed by the Senate, I believe that my priorities as the Secretary of Homeland Security will be to prevent future terrorist incidents from occurring on American soil, protect the American people and their assets, and should another terrorist attack occur, ensure that every level of society is as prepared as possible to respond to those incidents.

6. **What do you see as the main challenges facing DHS? What will you do, as Secretary, to address these challenges?**

A: The creation of the Department of Homeland Security represents an opportunity for the United States to have one department with the primary mission being the protection of the American people. The establishment of the Department and merging of twenty-two agencies that have heretofore been separate, and whose systems, cultures, and procedures are different, certainly presents a challenge. However, what is consistent among all of the incoming agencies is that these employees have been doing the work of "homeland security" long before September 11, 2001, and long before this Department was created. I believe that the strength of this Department rests in the merit of its employees, and look forward to working with them to accomplish our shared goal of defending the United States from future threats to our homeland security.

7. **What in your background has prepared you for the challenges you will face in creating the new DHS, bringing together the many agencies and programs that will comprise DHS, and establishing the necessary structure and systems DHS will need to operate successfully?**

A: My experience as the Advisor to the President for Homeland Security has given me the best opportunity available to build relationships with many federal departments and agencies, state and local governments, and their respective personnel that protect our homeland day in and day out. Over the past year, we have shared the same goals, and have worked together to achieve them.

As Governor of Pennsylvania, I oversaw a state civil service force of more than 80,000 employees, seventeen cabinet departments, and one of the largest state governments in

the nation. Additionally, while I was Governor, I succeeded in the division of the Department of Environment into two separate departments and the consolidation of Department of Commerce and the Department of Community Affairs into one department. These expansions and consolidations while I was Governor required a positive working relationship with the Pennsylvania legislature, the state employee unions, the private sectors, and the public-at-large.

Reorganization/Transition

8. **On November 25, 2002, the Administration released a "Department of Homeland Security Reorganization Plan." The Plan as issued contains relatively few details about the reorganization, such as what changes will occur when agencies are "transferred" into the new Department or what the Department is doing to set up new systems and consolidate existing systems for finances and other needs. However, the Plan also notes that it is "subject to modification," that "additional details concerning the process for establishing the Department will become available" and that "the President will work closely with Congress to modify this plan consistent with the Act." Will the Administration have a more detailed plan prepared and will that plan be provided to Congress? If so, when will that occur and what will be covered in the revised version?**

A: Yes, there will be more detail and modification made to the current Reorganization Plan. However, the law gives this responsibility to the President, so it would be inappropriate for me to speculate at this time.

9. **The Reorganization Plan does indicate that many of the agencies and programs will be transferred to DHS by March 1, 2003. Careful and thorough planning will be necessary to the successful creation of the department. How much of this planning will take place before agencies are transferred and how long will this process take to complete?**

A: Shortly after the President announced his intent to propose a Department of Homeland Security on June 6, 2002, a Transition Planning Office was established within the Office of Management and Budget to address the practical issues of creating a new Department as well as the mechanics of transferring the agencies into this new entity. The Transition Office has been working hard and they have been able to prepare for many of the significant obstacles involved with a transition of this size. However, this transition will take time and there will be issues that will be resolved as we approach new problems. The Act provided a year for a complete and successful transition and I fully intend to meet that mandate.

10. **The DHS website states that the goal of the transition effort is, to the greatest extent possible, make the reorganization a collaborative effort with the affected agencies,**

employees, unions, and Congress, state and local entities and the private sector. It also notes that several transition teams, structured along the lines of the new Department, are working to prepare logistical options and reorganization details for substantive policy decisions.

- What involvement, if any, have you had with the transition teams?
- Are the transition teams working with the Office of Homeland Security? If so, how?
- What major policy decisions during the reorganization do you believe require input from Congress?

A: Shortly after the President made his June 6, 2002 speech to the nation announcing his intention to propose the creation of the Department of Homeland Security, he also appointed me as Director of the Transition Planning Office, which resides within the Office of Management and Budget. It was in that capacity that I testified in front of Congressional committees in both the House and Senate.

The Transition Planning Office is staffed by employees detailed from all of the agencies affected by the legislation, as well as a few employees from the Office of Homeland Security.

While the Homeland Security Act provides a great deal of latitude to the Secretary of Homeland Security to establish, staff, and organize the new department, I believe that working with our partners in Congress is an important component to ensuring the success of this venture. As we move forward with the establishment of the Department, I will work to ensure that, when appropriate, I consult with various leaders and members of Congress and as decisions are made, share with you on a timely basis.

11. A December 2002 GAO report entitled Homeland Security: Management Challenges Facing Federal Leadership, GAO-03-260, questions the differing assessments of DHS transition and startup costs by the Administration and the Congressional Budget Office (CBO). According to GAO, "[t]he Administration has maintained that the consolidation of functions within DHS will reduce costs below what would have been the case if these functions continued to operate separately." During the consideration of the legislation, CBO reported that the creation of DHS would increase spending (in addition to the budgets associated with each agency being transferred). GAO points out that start up costs for DHS will require some funding to maintain continuity of effort during the transition, and that such things as combining the multiple pay and retirement legacy systems are potentially significant cost drivers that even CBO has not fully accounted for. It will be important for the new Department to have the resources it needs and to let Congress

know what costs it realistically anticipates. Do you expect the transition to require increased spending? If not, please explain where you anticipate cost savings and how you will use those funds to defray the startup costs for the new Department.

A: The Administration recognizes that there will be start-up costs associated with the Department, but believes that existing resources and consolidation savings can be applied to address these costs. For example, on December 20, 2002, OMB Director Daniels submitted a proposed transfer of $125 million from unobligated balances of appropriations enacted prior to October 1, 2002 for organizations that will be transferred to the new Department, to address transition costs. Public Law 107-294 provides additional transfer authority that the Department can use for this purpose. We appreciate the flexibility that Congress has provided to address various transition costs as they arise, and expect to work with you on an ongoing basis to ensure that the Department has the resources that it needs for the transition.

12. **Under the President's Reorganization Plan, in January 2003 the Secretary begins appointing up to 12 Assistant Secretaries subject to Senate confirmation and who do not have legislatively-designated duties. How many such Assistant Secretaries are planned? What responsibilities should be assigned these officials and where would they be placed within DHS?**

A: Section 103(a)(8) of the Homeland Security Act provides for up to 12 Assistant Secretary positions without defined titles or duties in the new Department that are to be "appointed by the President, by and with the advice and consent of the Senate." It would be premature to speak to possible placement of the Assistant Secretaries allowed by the Act, as those decisions are still being made. As these plans are finalized, we will share them with you as soon as possible.

13. **We understand that decisions on where the new Department's central headquarters will be physically located and what DHS components will be housed there are underway.**

- **What criteria do you believe should be used in making these decisions?**
- **What options are currently under discussion, and what are their strengths and weaknesses?**
- **Recently, there has been some dispute as to whether or not the new headquarters should be located in the District of Columbia or in one of the surrounding suburbs. Are there any statutory or regulatory restrictions to where the headquarters may be located in the National Capital area?**

A: We are working currently with the General Services Administration (GSA) to complete

the process of leasing space within the National Capital area. Using well-established GSA procedures, we have developed key requirements for evaluating space and are currently working with GSA to find the optimal site. Clearly, two of the top priorities for the lease of space are security and availability. As decisions are made, we look forward to sharing them with you as soon as possible.

Status of Homeland Defenses and Strategic Planning

14. **A recent Council of Foreign Relations task force, co-chaired by former Sens. Gary Hart and Warren Rudman, warned that "america remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil."**

- **What is your assessment of the federal government's current efforts to protect the country against terrorism? Specifically, how do you assess progress since September 11, 2001, in protecting water supplies (including reservoirs and dams), food supplies, nuclear plants, chemical plants, energy systems, ports, air travel, railroads, mass transit, bridges and tunnels, cyber systems and other critical infrastructure?**

- **As head of the Office of Homeland Security (OHS), did you establish benchmarks to measure such efforts to secure homeland assets? If so, please be specific about these measurements and how they changed during your tenure at OHS.**

- **What steps will you take as Secretary to ensure that the transition to DHS does not distract transferred agencies from their counter-terrorism mission?**

A: America is safer and better prepared today than on September 10, 2001. Public servants at all levels of government, and citizens all across the United States have taken many steps to improve our security since the September 11 attacks. That said, we are only at the beginning of what will be a long struggle to protect our Nation from terrorism. While much has been accomplished, there is much more work to do.

The Office of Homeland Security has worked extensively with the federal lead departments and agencies for each of the 14 critical infrastructure sectors designated in the President's National Strategy for Homeland Security, in order to facilitate sector-focused critical infrastructure and key asset protection planning. This cooperation has included the identification of infrastructures and assets of national-level criticality within each sector, facilitating the sharing of risk and vulnerability assessment methodologies and best practices, and enabling cooperation between federal departments and agencies, state and local governments, and the private sector. In addition, each lead department or agency is actively conducting or facilitating risk and vulnerability assessments within

their assigned infrastructure sectors of responsibility. The creation of the Department of Homeland Security will provide greater uniformity and comprehensiveness to these efforts. Specific timetables for conducting comprehensive vulnerability/risk assessments and the setting of action priorities will be included as part of the National Infrastructure Protection Plan mandated in the Homeland Security Act of 2002.

As Assistant to the President for Homeland Security, I have worked closely with the Cabinet secretaries and agency heads to coordinate activity across and between their respective areas of responsibility. The President's National Strategy for Homeland Security charges each department and agency with creating benchmarks and other performance measures to evaluate progress and allocate future resources, and the departments and agencies have each worked to refine or establish these measures in order to ensure effective implementation of their programs. Many benchmarks (for example, standards for the security of nuclear power plants) existed prior to the September 11 attacks but have been substantially updated. The Administration has developed and implemented many others (for example, requiring electronic manifests for all cargo 24 hours prior to departing the port of lading) since the attacks.

In the area of critical infrastructure protection, the Office of Homeland Security has worked and continues to work with the departments and agencies, state and local governments, and the private sector to establish or update benchmarks in each of the 14 critical infrastructure sectors. The new Department of Homeland Security will continue this effort.

The President has made clear that he has no higher priority than the security of the American people. As the Secretary of Homeland Security, I will go to work every morning with the mission of protecting the American people from the threat of terrorist attack. The over 170,000 future employees of the Department of Homeland Security will be doing the same job in the new Department that they are doing today: protecting our country from terrorist attack. That focus exists now, and it will exist after the Department is created.

The most important asset the new Department will have will not be funding, or technology, or equipment, but the men and women who work there. The key to ensuring the Department's mission focus throughout the transition will be to continue to support the people doing the day-to-day work. First, we will work to create some measure of stability for employees even as we undergo the transition. With few exceptions, people will be doing the same job in the new Department as they are doing now. For the first year, employees can expect to receiving at least the same pay and benefits, and probably in the same location. Some people will certainly be able to take advantage of new career opportunities. Second, we will work hard to create a modern, flexible, fair, merit-based personnel system. Third, we will communicate to ensure personnel know what to expect and when to expect it. Fourth, we will work hard to ensure that employees continue to receive the same civil service protections that they currently enjoy. Finally, the most

important change we aim to achieve will be to better enable the Department's employees to do their jobs – to provide them better support and more effective use of resources.

15. **The Hart-Rudman task force also concluded that America's urban areas lack the advanced public health warning systems or specialized equipment to make a timely determination about a biological attack. Do you agree with this assessment? If so, as head of OHS, what efforts did you undertake to address this crisis?**

A: The United States must prepare for the threat of a biological attack. Using funds provided from the Fiscal Year 2002 Supplemental, some states have made some great strides in their preparedness activities. Progress, however, is inconsistent, which is why in June of this year, the President signed the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 Act to further the progress of states. Since that time, the Office of Homeland Security has been working with the Department of Health and Human Services to implement this important law.

Additionally, the President's budget for Fiscal Year 2003 identified this as one of four priority areas, and proposed increasing, by $4.5 billion to $5.9 billion total, spending on programs that counter the threat of biological terrorism, including improving disease surveillance and response systems and increasing the capacity of public health systems to handle outbreaks of contagious disease. Congress has yet to appropriate funding for these requirements. We are also evaluating other potential means to give us greater confidence that biological attack would be recognized in a timely manner, and to be able to institute preventive treatment to those at risk.

16. **The national homeland security strategy, released last summer, identifies program priorities through fiscal year 2004, including establishing DHS. However, it is unclear in what order the remaining initiatives will be adopted. What should be the implementation time frames and budgetary priorities of the remaining initiatives under DHS jurisdiction? What should be the process to establish specific performance expectations for these initiatives?**

A: The Administration is currently finalizing the President's Budget proposal for Fiscal Year 2004. The President's Budget will contain specific proposals for funding the Strategy's specific initiatives. Implementation timelines for the Strategy's initiatives, including those under DHS jurisdiction, vary. Implementation of some initiatives can begin as soon as Congress appropriates funding – for example, the First Responder Initiative proposed in the Fiscal Year 2003 budget. The Department will accomplish many other initiatives as part of the process of implementing the Homeland Security Act of 2002 – for example, establishing accountability in border and transportation security. Other initiatives will take sustained, ongoing effort over a period of years – for example, developing chemical, biological, radiological, and nuclear countermeasures.

Implementation timelines for the Strategy's initiatives, including those under DHS

jurisdiction, vary and depend in large part on the legislative (especially appropriations) timetable. Implementation of some initiatives can begin as soon as Congress appropriates funding – for example, the First Responder Initiative proposed in the Fiscal Year 2003 budget. The Department will accomplish many other initiatives as part of the process of implementing the Homeland Security Act of 2002 – for example, establishing accountability in border and transportation security. Other initiatives will take sustained, ongoing effort over a period of years – for example, developing chemical, biological, radiological, and nuclear countermeasures.

The Department of Homeland Security will develop and implement specific performance measures and benchmarks for the Department's activities in order to support future budget requests.

The Homeland Security Act requires that the new Department submit to Congress a Future Years Homeland Security Program, including the same type of information and level of detail as the Future Years Defense Program, beginning in Fiscal Year 2005. As the Department builds the budget planning capability to comply with this requirement, it will necessarily provide increasingly detailed information on both implementation timelines and performance benchmarks for specific programs

17. **The national strategy lays out various objectives for homeland security, but does not clearly define the accountability structure to ensure the implementation of efforts to strengthen and sustain homeland security. What should be the appropriate interrelationship between OHS, OMB and DHS that will create the best structure for implementation and accountability of the national homeland security strategy?**

A: As Homeland Security Advisor, my staff and I enjoyed a very productive working relationship with the Director of the Office of Management and Budget and his staff. Should I be confirmed by the Senate as Secretary of the Department of Homeland Security, I expect to continue this productive relationship with OMB as well as the new Homeland Security Advisor. This relationship sets framework as we move forward. OHS will continue to provide strategic guidance and coordinate implementation of the Strategy government-wide. OMB will continue to add its expertise regarding program, resource, and performance management.

The President's National Strategy for Homeland Security establishes or proposes clear responsibility and accountability for each of the strategy's initiatives and critical mission areas. The Department of Homeland Security for the first time consolidates and focuses responsibility for critical homeland security activities – for example, border and transportation security, critical infrastructure protection, or homeland security science and technology. The National Strategy for Homeland Security and the President's Budget for Fiscal Year 2004, when released, also align the resources of the federal government to directly support these clarified lines of responsibility and accountability. The Administration, when possible, has identified lead executive branch departments and

agencies for each of the *Strategy's* initiatives. The Homeland Security Council will continue to coordinate policy among the relevant departments and agencies and provide confidential advice to the President on homeland security matters.

18. **The national strategy for homeland security is to be adjusted and amended over time. How frequently should the strategy be assessed and updated?**

A: The President will direct, as necessary, future updates to the National Strategy for Homeland Security. I envision the need to make adjustments or amendments over time -- but when and in what manner is the President's decision.

19. **Currently, the national strategy is the responsibility of OHS. Should DHS now play the lead role? Why or why not?**

A: The Executive Order signed by President Bush on October 8, 2001, charged the Office of Homeland Security to develop the first National Strategy for Homeland Security. As head of that office, I was placed in charge of this mission. The creation of the Department of Homeland Security adds a new dimension to the landscape. Consistent with other entities within the Executive Office of the President, however, the Office of Homeland Security will continue to guide and coordinate the interagency process that leads to major Presidential policy pronouncements of this kind.

Clearly, the Department of Homeland Security will play a key role in implementing the Strategy, as many of the action items falls within its domain. However, not all actions put forward by the Strategy are solely in its domain. Key roles exist at the federal level with the Department of Defense, the Department of State, the Department of Health and Human Services, the CIA, the FBI, and the Department of Justice. Additionally, and as I have said many times before, the homeland security mission is also a shared responsibility of state governments, local governments, the private sector, and the general citizenry; and as such, their participation is also crucial to the implementation of any national plan.

<u>Support for First Responders and State and Local governments</u>

20. **The HSA requires the establishment of an Office of State and Local Government Coordination, in the office of the Secretary, to oversee and coordinate departmental programs and relationships with State and local governments. Among other things, this office is being established to assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism. The office will also be responsible for providing State and local governments with regular information, research and technical support to assist them in securing the homeland. What are the Administration's plans for staffing this office? What will be its budget?**

A: As former Governor of the state of Pennsylvania, I am keenly aware of the shared responsibility that exists between the federal, state, and local governments for homeland security activities. In fact, over the past year I have often said that when our "hometowns are secure, our homeland will be secure." That is not mere rhetoric, but a fundamental principle of the nation's homeland security effort. In fact, over the past year, all 50 states and territories have appointed homeland security advisors who regularly participate in meetings at the White House and in conference calls with the present Office of Homeland Security.

We know, however, that much more needs to be done to develop a more robust relationship between the federal government and state and local governments. While I am not able to provide specific information with respect to the staff plan and the budget levels for this office, I will pledge that the Office of State and Local Government Coordination will be a key component to our homeland security effort.

21. **The Congressional Research Service reports that tracking funding for local first responders in real time is difficult, in part, because, at present there is no comprehensive source of information on federal outlays for state and local preparedness. How will the Office of State and Local Government Coordination, as part of its responsibility to assess the resource needs of state and local governments, monitor this funding?**

A: The new Office of State and Local Government Coordination, working in conjunction with the new Under Secretary for Management and the Office of Management and Budget, will play a key role in coordinating with state and local governments to establish a more comprehensive system of tracking these funds. As new systems such as this are created, I look forward to sharing the information with Congress.

22. **There is a vigorous debate over sending federal funding for first responders directly to localities, or sending it through the states. Representatives of cities such as the Conference of Mayors and the National Association of County Officials argue that the President's proposed First Responder Initiative would give states substantial decision making authority and offer local governments little discretion in the use of funds. Have you considered recommendations or modifications to the President's proposal in any way to address this issue?**

A: The Intergovernmental Directorate at the Office of Homeland Security has been working throughout the year with both state and local government organizations to discuss the President's Fiscal Year 2003 proposal to provide federal funding for first responders. Many local organizations, such as the National League of Cities and the National Association of Counties, have joined the National Governor's Association in supporting the President's proposal to send funding to the states and then to have at least 75% of that funding go to localities, based on a state plan. Should I be confirmed by the Senate, I

will continue to work with all interested parties to ensure that our local first responders are properly trained and adequately funded.

23. **Certain States and localities have complained that funding for homeland security has not been forthcoming. One problem is that funds previously appropriated by Congress take considerable time before they are distributed to local communities. For example, according to a report from OMB (dated Dec. 2), which was required by Congress, as of September 30, 2002 FEMA had obligated only $33 million out of some $214 million in budget authority for states for emergency management planning and assistance. These funds were included in the $40 billion for homeland security appropriated by Congress immediately after September 11.**

- What initiatives are underway within the Administration to speed up the delivery of already appropriated funds to local first responders? Will the Office of State and Local Government address this problem?

A: I, too, have heard from states and localities about the increased costs of the homeland security effort and concern with respect to funding those endeavors. Part of the challenge we face on the federal level is the substantial amount of time that exists between the announcement of the President's budget in February and the actual passage of the appropriations bills that fund these projects. As you know, this year Congress was unable to act upon the President's 1000% increase in the funding for first responders. I look forward to working with Congress towards the swift passage of the President's FY 2004 budget, and subsequently will work towards ensuring the prompt distribution of those funds.

24. **On December 3, the Administration announced that it would wait several months before providing more than $1.5 billion in law enforcement and anti terrorism assistance, allocated by Congress in continuing resolutions pending final passage of FY 2003 appropriations, to local police departments and emergency agencies for FY 2003. The decision means that many police and fire departments, who have not received any of the promised federal assistance since the fiscal year began in October, will have to wait longer to get the money. Given the urgency of getting funding to help our front line troops prepare for terrorist attacks, why did the Administration decide on a course which in effect delays when the funds will eventually be made available?**

A: As of yet, there has been no unusual delay in the award of DOJ grants, which are usually made in the third and fourth quarter. DOJ grant programs typically obligate less than 20% of their funding in the first half of the year. However, until Congress enacts appropriations bills, DOJ cannot inform prospective applicants of the total funding available for each of its grant programs.

The CR nominally allows the Department of Justice to expend up to $1.4 billion in law enforcement and anti terrorism grant programs: about $0.2 billion for the Office for Domestic Preparedness and about $1.2 billion for law enforcement assistance programs. Much of this funding is for formula-based programs, in which each state's share is dependent on the total amount available. Unfortunately, the final FY03 appropriation levels for these programs is highly uncertain as the Administration and the Senate have proposed different funding levels, and there is no House committee bill yet. As under past continuing resolutions, DOJ believes it would be presumptive of Congressional action to obligate significant funding for these programs, particularly formula grants. DOJ also believes it would be inappropriate to dictate the framework of ODP programs, which will be transferred to DHS in the coming weeks. DOJ is working on grant announcements and guidelines, so that the FY03 grant process can be expedited when the appropriations bills are enacted.

It should be noted that the DOJ awarded over $1 billion in terrorism preparedness grants FY 2002, much of this in the last quarter. Many state and local grantees are still expending these funds.

25. **Some State and local governments believe that they should be allowed to use funds in the President's First Responder Initiative for salaries for first responder personnel. During deliberations over the HSA, an important provision in the legislation passed by the Senate Governmental Affairs Committee was omitted from the final legislation. This provision would have addressed the funding issue, in part, by authorizing $2 billion to increase the ranks of the firefighters who are often the first ones to arrive at the scene of an emergency.**

- **What is the Administration's position on the use of federal funds to support the salaries of local first responders?**

A: The President's First Responder initiative, as proposed in the Fiscal Year 2003 budget, recognizes that these men and women are facing new and unprecedented threats. As such, the program was designed to assist the preparedness efforts of local jurisdictions. We believe that these communities should be given federal assistance so that they can prepare to respond to terrorist acts, but at the same time feel strongly that these funds should not be used to cover basic public safety requirements that are generally funded from state and local revenues. The Administration has been consistent in their belief that staffing levels and salaries are decisions best made at the local level. Previous federal programs that have partially paid for personnel costs only do so for a prescribed period of time. When federal funds are no longer available, local jurisdictions are forced to pay for the entire program. For many cities, these new levels are unsustainable. I believe that a better system is one that provides federal funding for preparedness activities relating to terrorist response capabilities, while at the same time leaving basic public safety funding to the local decision leaders.

26. **The new Hart-Rudman report concluded that "first responders – police, fire, emergency medical technician personnel – are not ready for a chemical or biological attack. Their radios cannot communicate with one other, and they lack the training and protective gear to protect themselves and the public in an emergency. The consequences of this could be the unnecessary loss of thousands of American lives."**

- **How will the Department approach this challenge? Do you believe the federal government should help ensure that first responders are ready to respond immediately? Would you advocate the use of federal funds to fund the backlog of needed protective gear, training and communications equipment?**

A: The 1st Responder Initiative as proposed by the President in the FY2003 budget and in the *National Strategy for Homeland Security* seeks to improve dramatically first responder preparedness for terrorist incidents and disaster. Central to this initiative is the consolidation of existing disparate programs that fell short in terms of scale and cohesion. Unfortunately, Congress was unable to pass the President's FY 2003 request for a more than 1000% increase in funding to our nation's first responders.

The key to achieving the vision for assistance to the State/local response will be in the implementation of the grant program once the Department of Homeland Security is operational. Through close internal coordination and coordination with other federal agencies, assistance can be delivered in a comprehensive, coordinated manner that is tailored and responsive to State/local needs.

27. **The HSA makes the Under Secretary for Emergency Preparedness and Response responsible for the development of comprehensive programs for interoperative communications technology, and helping to ensure that emergency response providers acquire such technology. Currently, responsibility for improving interoperability for first responders has shifted from the Department of the Treasury under the Public Safety Wireless Network, to FEMA under project SafeCom. Who should be administering this program? What funding should be provided?**

A: Project Safecom (part of the OMB sponsored e-Gov initiative) is currently managed by FEMA is taking the lead in addressing the issue of communications interoperability and has made significant progress in developing a short, mid and long range approach. Given that FEMA will be transferred in total to the Department of Homeland Security, this project will now be under its purview.

Short-Term: SAFECOM is establishing processes to assist Local, Tribal, and State organizations with grants for the immediate implementation of existing proven interoperability technologies while planning for next generation solutions.

Mid-Term: Next-generation solutions need to reflect the requirements of field practitioners. SAFECOM has developed a work package to formally develop functional requirements based on input by Local, Tribal, State and Federal practitioners across a broad range of disciplines. In addition, the initial phase of a gap analysis is underway to determine the current penetration of interoperable technologies in the public safety market. As additional requirements are identified network analysts can determine how large a gap needs to be addressed. The current and desired states of open standards for interoperable technologies will be examined as well.

Long-Term: Next-generation solutions require strategic planning involving public safety stakeholders, outreach for validation of those plans, policy support, and mechanisms for funding. SAFECOM has developed additional work packages to begin those efforts.

28. **The Hart-Rudman report concludes that "650,000 local and state police officials continue to operate in a virtual intelligence vacuum." It further stated: "when it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb and blind." The HSA requires the President to establish procedures under which relevant Federal agencies will share homeland security information with other Federal agencies, and appropriate State and local personnel.**

- **What steps has the Administration taken thus far to develop these information sharing procedures?**
- **What will be the Department's role in developing the procedures required by the HSA?**
- **Do you agree with the assessment in the Hart-Rudman report and the complaints of local law enforcement that they are often not informed about terrorism investigations in their jurisdictions? As head of OHS, what actions did you take to address these concerns? How can the Department help address this problem?**

A: The Office of Homeland Security is developing basic policy, to be implemented by the Department of Homeland Security, to establish a National Incident Management System to ensure that federal, state, and local entities are capable of an integrated response to emergencies. The System will include the following elements: incident organization (using Incident Command System principles), training, certification of qualifications, communications, logistics, and multi-agency coordination systems. A national system will ensure that personnel and equipment from any agency (federal, state, or local) are able to be integrated into a single response organization. By establishing a common language, common resource typing and a common command and control system we will truly be able to say we are united in our ability to respond no matter what the hazard.

The National Response Plan assumes development of this system and will rely on its elements for full implementation. Future federal assistance to state or local entities, through grants, training programs, and assistance during incidents, will require that those entities adopt the National Incident Management System.

29. **The Hart-Rudman report also concludes that "terrorist watch lists provided by the U.S. Department of State to immigration and consular officials are still out of bounds for state and local police." What is the status of the Federal government's efforts to consolidate and provide local law enforcement officials with access to various federal watch lists so they can utilize this information in their day to day work?**

A: The federal government has made significant strides in providing access to the multiple federal watch lists for both federal officials and state and local law enforcement officers. For example, Foreign Service Officers in U.S. Embassies overseas are now provided more access to databases as they process applications for visas. Additionally more visa applications are checked at the back end of the process by the FBI and CIA. Finally, tens of thousands of names on these watch lists have been entered into the National Crime Information Center (NCIC), to which all state and local law enforcement officers have access. We know that more progress must be made in this area. As we forge ahead, however, we must be mindful of balancing the law enforcement needs with the concerns about civil libertarians.

30. **The HSA requires the Department to develop a process for receiving meaningful input from State and local governments to assist in the development of a national strategy for combating terrorism. Please outline your vision for how this process will work.**

A: While there are many avenues by which state and local governments will be able to provide input on a whole host of issues affecting their jurisdictions, the Homeland Security Act provides a unique vehicle with the Office of State and Local Government Coordination, in the office of the Secretary, to oversee and coordinate departmental programs and relationships with State and local governments. I believe this will be an appropriate mechanism for receiving meaningful input.

31. **How will you ensure that the Department has the staff capacity it will need to get funds to first responders as fast as possible?**

A: Knowing of the financial situation many state and local jurisdictions find themselves, I will make timely distribution of funds to all Department of Homeland Security grant recipients a priority for many of the approximately 170,000 employees.

32. **Do you have any suggestions as to how the language in the HSA establishing the Office of State and Local Government coordination could be improved?**

A: As the work of establishing the Department of Homeland Security continues over the next year, I look forward to working with you to address any concerns that might exist with the Homeland Security Act.

33. **During the Senate's consideration of the Homeland Security bill, Senators Collins and Feingold offered an amendment, adopted by unanimous consent, to ensure that every state had at least one DHS liaison to communicate and coordinate with local and state officials. Do you believe that such an arrangement would help promote the goals of the new Department?**

A: I believe that communication between the federal government and state and local officials is key to the success of the national homeland security effort. In fact, the Homeland Security Act provides a unique vehicle with the Office of State and Local Government Coordination, in the office of the Secretary, to oversee and coordinate departmental programs and relationships with State and local governments. Indeed, this builds upon an already successful federal-state relationship that began as part of my activities as the President's Homeland Security Advisor where I was able to work with all 50 states and territories to establish a system much like what Senators Collins and Feingold suggested with their amendment. The Office of Homeland Security's Intergovernmental directorate held meetings around the country and in Washington, DC with the state advisors as well as held regular conference calls to keep all parties informed of homeland security activities. In fact, this link on the White House home page provides contact information for all of the state homeland security advisors. http://www.whitehouse.gov/homeland/contactmap.html Should I be confirmed by the Senate, I look forward to continuing this productive working relationship with state and local officials.

34. **The FY 2002 Supplemental Appropriations bill included $6.7 billion for various homeland security initiatives, with $2.5 billion contingent upon the President declaring an emergency, which he declined to do. Did you agree with the Administration's decision in this case?**

A: I support President's decision.

Budget/ Financial Management/Procurement

35. **As Director of the OHS, you certified federal budgets for homeland security.**

- **What were the overall strengths and weaknesses of the budgets that were certified?**

- **What were the "lessons learned" for DHS budget activities that could be applied?**

A: Consistent with my role as Homeland Security Advisor to the President and with the Executive Order creating the Office of Homeland Security, I consulted with the Director of the Office of and Budget and the heads of executive departments and agencies, to identify programs that contribute to the Administration's strategy for homeland security and, in the development of the President's annual budget submission, reviewed and provided advice to the heads of departments and agencies for such programs. Additionally, and as is consistent with the Executive Order, I provided input to the Director on the level and use of funding in departments and agencies for homeland security-related activities. Finally, I certified to the Director of the Office of Management and Budget that the funding levels proposed for the President's Fiscal Year 2003 budget were necessary and appropriate for the homeland security-related activities of the executive branch. The certification of the FY 2003 budget is still valid.

36. **Please provide a preliminary budget allocation and flow chart for the Department which clearly identifies reporting arrangements and authorities, including, to the extent they exist, those for the unspecified assistant secretaries.**

A: The President will submit his Fiscal Year 2004 budget in February, and I will be happy to share that information with you at that time.

37. **Sections 103(d) and 702 of the HSA create the position of Chief Financial Officer in the new Department and specify to whom this person will report, but the Act does not add the new Department to the list of agencies covered by the Chief Financial Officers Act of 1990. As a result, the Department is not subject to statutory requirements that apply to the other major departments and agencies in the Executive Branch, such as to set up and maintain financial management systems within the Department that meet the standards established by the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note), and the Chief Financial Officer of the Department will not have the responsibilities and authorities provided under the Chief Financial Officers Act (see e.g. 31 U.S.C. 902).**

- **Will the Department prepare an annual audited financial statement in accordance with the Accountability of Tax Dollars Act of 2002 (Pub. L. No. 107-289)? Will this financial statement be prepared by the Department's Inspector General or another independent auditor selected by the Inspector General?**

- **Will the Department accord the Chief Financial Officer the same authorities and responsibilities provided under the Chief Financial Officers Act of 1990?**

A: An accurate and accountable financial management system is imperative to the efficient operation of the Department of Homeland Security. Congress and the American people should expect nothing less. Should I be confirmed by the Senate, and should the President's choices for the positions of the Under Secretary for Management and the Inspector General also be confirmed by the Senate, I look forward to working with them to ensure that the Department has in place protocols and procedures to address these issues

38. From its inception, DHS is likely to have one of the most extensive acquisition programs in the federal government. What are your plans for putting strong systems and controls in place to make sure that these funds are spent wisely, with accountability and without waste, fraud and abuse?

A: The wise expenditure of funds -- with accountability -- and the prevention of waste, fraud, and abuse will be among my highest priorities as Secretary of DHS. I plan to work with the Under Secretary for Management to set polices to bring about the most effective and efficient use of the Department's funds. I also plan to work with the Inspector General, the Under Secretary for Management, and the Office of General Counsel to establish appropriate systems, controls, and policies to prevent and detect waste, fraud, and abuse.

39. Many of the agencies transferring into DHS are likely to have ongoing contracts for services, some of which may need to be renegotiated or simply extended next year. What process do you envision DHS will use to review these contracts and take appropriate action during the transition?

A: I envision that the Under Secretary for Management, assisted by the Office of General Counsel and the Under Secretaries of the four Directorates, and representatives of other DHS divisions, will conduct an internal audit and inventory of such contracts in order to determine which of them can and should be renegotiated or extended and which of them might be consolidated for purposes of efficiency and cost-savings.

Relationships with Other Federal Agencies

40. The HSA created a Homeland Security Council within the Executive Office of the President charged with assessing the nation's homeland security objectives, commitments, and risks and making recommendations to the President. As a member of the Council, what do you believe the Council's priorities should be in the coming year?

A: As your question indicates, the Homeland Security Council is part of the Executive Office of the President and acts as an advisory body to him. I believe that recommendations or proposed recommendations to the President should be confidential.

41. **The current OHS was created by executive order with broad responsibilities such as working with federal agencies, state and local government, and private entities to develop a national homeland security strategy and to coordinate implementation of the strategy. OHS also is to work with OMB and agencies regarding the levels and uses of funding for homeland security activities, including certifying that budget requests for homeland security are necessary and appropriate. What changes, if any, should be made to the OHS mandate in light of the creation of DHS?**

A: The President has directed that the Office of Homeland Security should continue to guide and coordinate the homeland security interagency process.

42. **The Department of Defense is working on extensive R&D relevant to homeland security and has a major role to play in first responder training and capabilities through the National Guard, and in other areas. Moreover, DOD, without question, undertakes activities that protect our homeland from attack. But these are primarily military activities, which will continue to be undertaken separately from DHS. Indeed section 876 of the Act forbids DHS from engaging in military activities. And the Posse Comitatus Act, reaffirmed by section 886 of the Act, prohibits the use of the Armed Forces as a posse comitatus to execute the laws except in certain exceptional cases.**

- **What do you envision will be the nature of the relationship between DHS and the Armed Forces and how will efforts be coordinated?**
- **Under what circumstances, if any, do you envision DHS and the Armed Forces working together on homeland security issues generally?**
- **Under what circumstances, if any, do you envision DHS and the Armed Forces working together on homeland security issues that specifically fall within DHS jurisdiction?**

A: The primary mission of the new Department will be to protect the American homeland from terrorism. The mission of the Department of Defense is to fight and win our nation's wars. However, both the active and reserve components of the armed forces have important homeland security missions, as demonstrated by the military's activities following the September 11 attacks. Military support to civil authorities is and will continue to be a key component of the federal government's emergency response plans. Indeed, this relationship is recognized in several Presidential Directives. I look forward to continuing to work with Secretary Rumsfeld and his staff to further this relationship both through Memorandums of Understanding and future Presidential Directives.

43. **The U.S. Northern Command (NORTHCOM) will be responsible for land, aerospace, and sea defenses. NORTHCOM will also help DoD deal with natural disasters, attacks on U.S. soil, or other civil difficulties, and provide military support in exceptional cases to civil authorities such as the Federal Bureau of Investigation, the Federal Emergency Management Agency, and state and local governments. How should DHS approach coordination with NORTHCOM, regarding homeland security missions?**

A: Should I be confirmed by the Senate, I will work with Secretary Rumsfeld and his staff to map out a coordination plan.

44. **The National Guard has also played a key role in homeland security following the September 11 attacks. How should DHS work with the nation's governors and DoD in utilizing the National Guard in future homeland security activities?**

A: The primary mission of the new Department will be to protect the American homeland. The mission of the Department of Defense is to fight and win our nation's wars, and the National Guard is a component of DoD's war planning. Both the active and reserve components of the armed forces have important homeland security missions, as demonstrated by the military's activities following the September 11 attacks. Military support to civil authorities is and will continue to be a key component of the federal government's emergency response plans. As the Department of Homeland Security moves forward with the establishment of a National Incident Management System, which will ensure that federal, state, and local entities are capable of an integrated response to emergencies, I will work with Secretary Rumsfeld and with our nation's governors to ensure appropriate coordination of the National Guard's role as a provider of immediate military resources to support responses to natural and man-made disasters.

Inspector General

45. **Section 1515 of the HSA provides for the continuation of oversight by the existing Inspectors General of the transferred agencies until the Department's own Inspector General is appointed. These Inspectors General have developed considerable expertise in the areas related to the agencies they oversee, and are likely to have investigations and audits in progress when the new Inspector General is appointed.**

- **Have you reviewed the matters currently in progress and, if so, do you anticipate exercising the Secretary's power under section 811(b) of the HSA to prohibit the Inspector General from completing any of these investigations or audits?**

- **Have any arrangements been made with existing Inspectors General, or are**

any such arrangements planned, to enable the Department's Inspector General to have access to individuals with the skills and knowledge to complete these audits and investigations?

A: I have not reviewed the matters currently in progress at any of the transferred agencies, but have no reason to believe that I will exercise the authority granted under Section 811(b) with respect to any ongoing matter. Further, no such arrangements have been made with any of the Inspectors General, but I would anticipate that should he or she be confirmed, making arrangements of this kind would be one of the first orders of business for the Inspector General. Consistent with my other responsibilities, I expect I will do all I can to facilitate such arrangements.

46. Inspectors General traditionally have maintained a high degree of autonomy from the heads of their agencies. For example, agency heads in only some agencies may stop IG investigations and they may do so only in very narrow circumstances. Moreover, if an agency head takes such an action, governing statutes empower the IG to report directly to Congress about the incident. The Committee's informal survey of existing IG offices, including those in agencies with law enforcement and national security missions, indicates that agency heads have rarely, if ever, invoked their authority to stop an IG investigation. The Administration's original proposal for a Homeland Security Department would have granted the Secretary broader authority over the IG than that given to other agency heads.

- What is your view of the role of the DHS's IG?
- The statute provides the DHS IG with a comparable level of autonomy as is currently exercised by the IG at other agencies, such as the Departments of Justice, Defense and State? Do you agree this is appropriate?
- How and to what extent do you intend to supervise the work of the IG's office, and what type of reporting relationship do you intend to establish with the IG? Do you intend to delegate supervision of the IG? If so, to whom? Do you plan to require the IG to report to you prior to opening investigations or audits or provide you with specific updates on existing investigations and audits?
- Do you believe that there are any topics or types of investigations or audits that should be off-limits to the IG?
- Do you commit to respecting the traditional independence of the IG office?
- Do you plan to allow the IG office to communicate freely with Congress, without supervision from elsewhere in the Department? Please explain?

- What budget do you intend to provide for the Office of the IG? How many staff
  do you assume it will have?

A: The function of the Inspector General is especially important in a Department of this size and scope. I view this position as a critical piece to the success of the new Department and plan to work closely and cooperatively with the new Inspector General, should the President's nominee be confirmed. Clearly, the independence of the Inspector General will be key to ensuring that an honest assessment of the Department's functions are portrayed, and I look forward to appropriately interacting with the IG organization that will be created in the Department. I agree it is appropriate that the role of the Inspector General should be maintained with comparable levels of autonomy as currently exercised in similar agencies. Staffing and budget plans will be released at the time the President's FY 2004 budget is released in February, and will be happy to discuss those plans with you at that time.

Intelligence Analysis

47. According to a December 6, 2002 article in The Washington Post entitled "homeland Security Won't Have Diet of Raw Intelligence," the Administration is in the process of drafting guidelines to determine how the new intelligence directorate in the Department of Homeland Security will access intelligence collected by other Federal agencies. Among other things, The Post reported that: (1) for now, the intelligence agencies have persuaded the White House that information provided to the Department should be in the form of summary reports which generally will not include raw intelligence; (2) according to "administration officials," the new department will receive undigested intelligence only when Governor Ridge makes the case for it under yet undefined procedures; and (3) a number of officials at the FBI, CIA, and NSA have "deep misgivings" about distributing raw intelligence too widely, especially to a new and untested department. These comments, if true, raise concerns about the Administration's plans for implementing key provisions of the HSA, which states that "except as otherwise directed by the President, the Secretary shall have such access as the Secretary considers necessary to all information, including reports, assessments, analyses, and unevaluated intelligence relating to threats of terrorism against the United States."

- What is your view of the primary issues discussed in The Post story and how is the Administration responding to these issues?

- Has the President decided whether he will provide the DHS access to unevaluated intelligence?

- **What is your view as to the need for DHS access to unevaluated intelligence and how do you envision DHS would go about obtaining and reviewing such information?**

A: The Administration is committed to ensuring that homeland security information is appropriately and efficiently shared among the federal branch, and where appropriate, to state and local officials. DHS will receive all the information that it needs to perform its critical missions. Indeed, according to Section 202 of the Homeland Security Act, the Department will receive, and the federal departments and agencies will provide all necessary information to carry out the Department's mission.

48. **To protect our homeland effectively, the intelligence division of the new Department must provide the kind of all-sources intelligence analysis that was missing prior to September 11 and remains missing today. The new Department must close the gap in our defenses by serving as the central focal point for the analysis of intelligence related to terrorist threats against our homeland. And it must have the capacity to focus on the full range of threats to our country posed by terrorists. As Secretary, how will you ensure that the intelligence division is capable of meeting these objectives?**

A: We will ensure that the Department, through the Information Analysis and Infrastructure Protection Directorate, has the funding, the information and the personnel necessary to carry out its analytical mission.

49. **The HSA states that the responsibilities of the Undersecretary for information analysis and infrastructure protection include "to disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, and to agencies of State and local governments and private sector entities with such responsibilities in order to assist in the deterrence, prevention, (italics added) preemption of, or response to, terrorist attacks against the United States." How will you ensure that preventing attacks will be a priority for the Department?**

A: The Information Analysis and Infrastructure Protection Directorate will not only have access to, and be able to analyze information, it will take appropriate action to prevent terrorist attacks. The IAIP will receive significant resources specifically for the purpose of developing and implementing remedial and mitigating actions to better secure America. In addition, DHS, through entities being transferred to the Department, including the Coast Guard, Customs Service and other components with authority to take preventative and pre-emptive action, will have a substantial operational role in the prevention and pre-emption of terrorist acts.

50. **To fulfill the Department's mission, the legislation provides the Secretary authority**

to routinely access information collected by the Federal Bureau of Investigation, the Central Intelligence Agency, and other agencies in our government. The assumption behind the legislation is that unless the Presidents determine otherwise, all information about terrorist threats that the Secretary considers necessary, including so-called "unevaluated intelligence" possessed by intelligence agencies, would be routinely shared with the DHS.

- **What do you perceive to be the major obstacles to accessing the intelligence information that the Department will need to be successful?**

- **How do you plan to overcome those obstacles?**

A: We do not anticipate obstacles based on willingness to share information or common understanding of the importance of the mission. Rather, our challenges will be largely technical. As a brand new entity, the Department does not have pre-existing information-sharing structures and systems in place. We plan to build these structures and systems as quickly as possible.

51. **The HSA provides the Secretary authority to consult with the Director of Central Intelligence and other appropriate agencies to establish collection priorities and strategies for information relating to threats of terrorism against the United States.**

- **How will you ensure that the Department's intelligence needs are met?**

- **Secondly, what will be the process for resolving conflicts if, for whatever reason, other intelligence agencies cannot or do not fulfill the Department's intelligence needs?**

A: The Department will be a full participant, at all levels, in the mechanisms and processes for setting foreign intelligence requirements, including the prioritization for terrorism, weapons of mass destruction, and other relevant foreign intelligence collection activities, including for collection of foreign intelligence inside the United States. We do not anticipate conflicts, as the security of the homeland is of the highest priority. Should any conflicts arise, they will be resolved through existing interagency mechanisms for managing foreign intelligence collection priorities and the requirements process. These mechanisms have been successful in managing the requests of the various components of the intelligence community.

52. **The Department is charged with consulting with State and local governments and private sector entities to ensure appropriate exchanges of information, including law enforcement information, relating to threats of terrorism. What will be your approach to implementing this requirement?**

A: The Department of Homeland Security will pursue the most advanced IT systems to communicate continuously and securely with state and local governments and with law enforcement. At the same time, we will work to clear essential personnel with a "need-to-know," and we will develop procedures to declassify or sanitize information for those who need to have it to protect the homeland.

53. The Secretary is required to provide the directorate of information analysis and infrastructure protection with a staff of analysts having appropriate expertise and experience. This may include deploying private sector analysts, as well as analysts who are detailed, via cooperative agreements, to the Department from the Central Intelligence Agency, the Federal Bureau of Investigation, and other intelligence agencies.

- **How do you plan to ensure that the Department is staffed with the cadre of skilled, experienced analysts, with the appropriate clearances, it needs to be effective?**

- **What is your initial assessment of the number of analysts that the Department will require and the associated budget requirements?**

A: We are working with the FBI and the intelligence community to arrange for the detailing of analysts to the Department. In addition, we will seek to hire individuals from the private sector with applicable analytical skills. We will also make training of these personnel a high priority, as they will be responsible for building this new analytic capacity.

54. The Information Analysis and Infrastructure Protection Directorate has an array of critical missions: it is responsible for analyzing all intelligence information involving terrorist threats to the United States, evaluating critical infrastructure for vulnerabilities to terrorism, assessing threats to such infrastructure, and acting to prevent potential terrorism. It also is responsible for informing local law enforcement authorities of specific threats of terrorism, for communicating information to the general public about threats, and for setting the national threat warning.

- **What should be immediate, specific policy and operational priorities in setting up this Directorate? What are the major management challenges in integrating the transferred agencies, programs, or functions that will make up this directorate, and coordinating them with other involved key federal agencies?**

A: The Department's missions are aimed at achieving the same goal: making the homeland safer. As such, each of these missions will be pursued with vigor and commitment.

55. **The Directorate will need to work with bureaus within the Department (e.g., the Bureau of Border Security) that will also be gathering intelligence information. What mechanisms are needed to ensure that intelligence information is collected, analyzed, and disseminated in a timely fashion within DHS?**

A: One of our guiding principles in managing information sharing will be to ensure that information collected by elements of the Department are shared with all components, both inside and outside DHS, to whose mission the information is relevant. We are continuing to work through the mechanics of how this principle will be implemented. As with all the issues raised by the Committee's questions, when we have worked through them, the Secretary, or other appropriate officials, will provide the appropriate Congressional committees with information appropriate to Congress' oversight functions.

56. **DHS will be responsible for the Homeland Security Advisory System. DHS, in coordination with other federal agencies, is to provide specific warning information, and advice about appropriate protective measures and countermeasures, to state and local government agencies and authorities, the private sector, and others. Concerns have been raised about warning capabilities, particularly the lack of specificity and guidance to state and local officials under the current Homeland Security Threat Advisory System.**

- **What, if any, changes should DHS consider for the new System to make the system more meaningful and useful for State and local officials and first responders?**
- **When will the new System be in full operation?**

A: The Department of Homeland Security will be in close communication with the public, state and local officials and the private sector about their homeland security needs. We will seek their input on such issues as the most effective type of warning, and will be open to making changes that will make the HSAS even more useful.

Critical Infrastructure Protection

57. **In addition to establishing effective intelligence capabilities, the Undersecretary for information analysis and infrastructure protection is responsible for comprehensively assessing the vulnerabilities of the key resources and critical infrastructures in the United States. This will necessitate working closely with the private sector, with state and local governments, and with other agencies to identify priorities and promote protective measures.**

- **As Secretary, how will you ensure that each of these functions – critical infrastructure protection and information analysis – receive the kind of focused leadership they will require to succeed?**

A: Leadership is critical. The President will nominate an Under Secretary and two Assistant Secretaries, one for Information Analysis and the other for Infrastructure Protection, who will be experienced in their fields and strongly committed to the Department's mission. The challenge we face will be to integrate the threat and vulnerability analysis in a way that will help us produce effective countermeasures. Whatever their specialties, all our leaders must commit themselves, as I have, and their subordinates to this integrative mission

58. **The HSA creates separate Assistant Secretaries for information analysis and infrastructure protection. The Reorganization Plan suggests that these two assistant secretaries will not be among the 12 that are confirmed by the Senate. According to the Congressional Research Service, "the creation of two or three presidentially appointed assistant secretary positions not subject to Senate confirmation is a marked departure from past practices in other departments. [Presidentially Appointed] positions are almost all in the White House Office. It is rare for positions in the executive departments to be designated as PA positions; nearly all principal officers in these organizations are statutorily designated as PAS positions.... By and large, presidential appointees to PA positions act as advisers, while those nominated to PAS positions are primarily policy decision makers who administer programs. The latter group are responsible for implementing statutes."**

- **Do you believe that these two assistant secretaries will primarily be advisers or policy decision makers who administer programs?**

- **Secondly, if they will be policy decision makers who administer programs, why does the Administration believe that they should not be confirmed by the Senate?**

A: Sections 201(b)(1) and 201(b)(2) of the Homeland Security Act provide for two Assistant Secretary positions with defined titles and duties that are to be "appointed by the President." The text and structure of the Act make clear that these two presidentially-appointed Assistant Secretary positions were created in addition to the twelve unspecified Assistant Secretary positions.

The Department of Homeland Security is a security organization and IA&IP, in particular, will house those sensitive elements integrated into the Intelligence Community. Our intelligence agencies traditionally have stressed the need for non-confirmed professionals in sensitive leadership positions, and traditionally Congress has respected this request. The Deputy Director for Intelligence positions at both CIA and

DIA are examples of such non-confirmed posts. I believe the IA&IP Assistant Secretaries are in comparable jobs of similar sensitivity. It is important to note, however, that that there will be full accountability to Congress through the Senate-confirmed Under Secretary for Intelligence Analysis and Infrastructure Protection, as well as the Senate-confirmed Deputy Secretary and Secretary positions.

59. **The Under Secretary for information analysis and infrastructure protection will also have to work effectively with the private sector - which owns 85% of our critical infrastructure – so that threats and vulnerabilities are systematically assessed, and protective measures are put in place. He or she will have to forge greater cooperation among competitors in various industries, and in some cases will have to ask competing industries to cooperate.**

- **As head of OHS, did you establish benchmarks to measure progress in protecting critical infrastructure? If so, how were those benchmarks developed and what is the status of meeting them? If not, why not?**

- **What role do you envision for the Under Secretary in working with the private sector on critical infrastructure issues?**

- **As Secretary, what will your role be in this regard?**

A: As Assistant to the President for Homeland Security, I have worked closely with the Cabinet secretaries and agency heads to coordinate activity across and between their respective areas of responsibility. The President's National Strategy for Homeland Security charges each department and agency with creating benchmarks and other performance measures to effectively implement their homeland security programs, evaluate progress and allocate future resources. In the area of critical infrastructure protection, the Office of Homeland Security has worked and continues to work with the departments and agencies, state and local governments, and the private sector to refine or establish benchmarks in each of the 14 critical infrastructure sectors. Many benchmarks (for example, standards for the security of nuclear power plants) existed prior to the September 11 attacks but have been substantially updated. The Administration has developed and implemented others since September 11, 2001. For example, the Department of Energy in coordination with the Office of Homeland Security and the energy industry have developed security guidelines tailored to each of the three segments of the energy sector -- oil, natural gas and electric -- that are being used by the private sector to enhance security throughout the nation.. The Department of Homeland Security will continue these efforts.

The Undersecretary for Information Analysis and Infrastructure Protection will play a pivotal role in developing and fostering a collaborative environment with the private sector. The Undersecretary will work in close cooperation with the Special Assistant to

the Secretary charged with building and promoting private sector partnerships and to establish two-way processes and mechanisms to access, receive, analyze, and protect security-related information.

If confirmed as Secretary, I will assume responsibility for all of the activities of the new Department, to include our efforts to meet the President's call to establish effective partnership with state and local governments and the private sector in the area of critical infrastructure protection. I will give this effort high emphasis, in the same manner as I have done as Assistant to the President for Homeland Security.

60. **The Administration has apparently been conducting vulnerability testing of federal computer systems. According to an article in the Dec. 23, 2001 edition of the Federal Times, Richard Clarke, the President's special adviser on cyber security, said that in the vulnerability testing conducted thus far, the so-called red teams are consistently able to break into the government systems and take control of them. How do you rate the security of the government's computer systems at this time? As Director of OHS, what steps have you taken to help improve federal cyber security? What additional measures would you pursue as Secretary of DHS?**

A: Cybersecurity is a continual process that requires focused management attention by the entire Federal government. OMB's first report to Congress on government information security reform in February 2002 identified six common government-wide security performance gaps. These weaknesses include:

- Lack of senior management attention;
- Lack of performance measurement;
- Poor security education and awareness;
- Failure to fully fund and integrate security into capital planning and investment control;
- Failure to ensure that contractor services are adequately secure; and
- Failure to detect, report, and share information on vulnerabilities.

As Secretary of DHS, I will work closely with OMB, which has statutory responsibility for Information security in Federal systems. As part of this process, I will ensure that the Federal Computer Incident Response Center (FEDCIRC),which will be incorporated into the Information Analysis and Infrastructure Protection Directorate, supports the Federal agencies in responding to and managing attacks and incidents in Federal cyber systems. In addition, I will also seek to establish the requisite capabilities for technical analysis to be able to rapidly detect attacks on Federal systems. This includes investing in people and training.

61. **Critical Infrastructure protection encompasses both physical and cyber security – so that, not only must we protect the critical information networks on which key infrastructures rely from attacks online, we must protect them from physical**

attacks as well. As Secretary, how do you plan to ensure that the Department dedicates sufficient leadership and resources to both physical and cyber-security?

A: The establishment of Information Analysis and Infrastructure Protection (IA&IP) creates a focal point for both physical and cyber protection. This Directorate work aggressively on these issues, ensure that they are closely integrated and appropriately resourced. DHS will develop a single integrated cyber and physical protection plan for the nation based on the National Strategies. In addition, DHS will integrate incident response capabilities to ensure that physical and cyber incidents can be managed with equal expertise.

62. **The General Accounting Office, in its July 2002 report, "critical Infrastructure Protection: Federal Efforts Require a More Coordinated and Comprehensive Approach to Protecting Information Systems," points out that at least 50 different federal organizations have various national or multi-agency responsibilities related just to cyber critical infrastructure - which has been designated by GAO as a high-risk area for the federal government. The HSA will bring together some of the key entities devoted to critical infrastructure protection, including the National Infrastructure Protection Center of the FBI and the Critical Infrastructure Assurance Office of the Department of Commerce. Even so, as GAO notes, considerable resources at other agencies will continue to be devoted to this issue. What will the Department's role be with respect to those entities that remain outside of the Department?**

A: The Department of Homeland Security creates the first focal point for cyberspace security and infrastructure protection in the Federal government. Considerable benefits will be derived by through integrating the operations, policy, planning and outreach functions of the Critical Infrastructure Assurance Office, National Infrastructure Protection Office, Federal Computer Incident Response Center, and the Office of Energy Assurance.

The Department of Homeland Security will continue to work closely with other agencies that continue to play important roles in infrastructure protection. For example, OMB will still be in charge of Federal information security; the Department of Treasury will still be the lead agency for interacting with the financial services industry; and Department of State will lead our international efforts on infrastructure protection.

63. **The HSA calls for DHS to carry out comprehensive assessments of vulnerabilities of the key resources and critical infrastructure of the United States, including risk assessments to determine the risks posed by particular types of terrorist attacks. Using this information, DHS is to identify priorities for action by DHS, other federal agencies, state and local government, and the private sector. What progress, if any, has been made in conducting such risk assessments to date? What should be the timetable for the comprehensive assessments and the setting of action priorities?**

A: The Office of Homeland Security has worked extensively with the federal lead departments/agencies for each of the 14 critical infrastructure sectors designated in the President's National Strategy for Homeland Security to facilitate sector-focused critical infrastructure and key asset protection planning. This cooperation has included the identification of infrastructures and assets of national-level criticality within each sector, facilitating the sharing of risk and vulnerability assessment methodologies and best practices, and enabling cooperation between federal departments and agencies, state and local governments, and the private sector. Each lead department/agency is actively conducting and/or facilitating risk/vulnerability assessments within its assigned sector of responsibility.

The creation of the Department of Homeland Security will provide greater uniformity and comprehensiveness to these efforts. Specific timetables for conducting comprehensive vulnerability/risk assessments and the setting of action priorities will be included as part of the National Infrastructure Protection Plan tasked to be developed by DHS in the Homeland Security Act of 2002.

64. In 1998, the President issued Presidential Decision Directive (PDD) 63, which describes a strategy for cooperative efforts by government and the private sector to protect physical and cyber-based systems essential to the minimum operations of the economy and the government.

- Do you believe that implementation of PDD 63 by agencies can be improved?
- As head of OHS, what efforts did you undertake to improve implementation of PDD 63?
- How will you implement PDD 63 at DHS?

A: The Homeland Security Act contains provisions that will greatly enhance the exchange and protection of a wide variety of security-related information and best-practices between the federal government, state and local government, and the private sector.

The Department will enhance protection of our nation's critical infrastructures and key assets by: building and maintaining a comprehensive, prioritized assessment of infrastructures and assets of national-level criticality; fusing and analyzing threat, vulnerability, and consequence data from all sources; sharing information and providing timely indications and warning to state, local, and private sector entities; and conducting risk assessments and developing and implementing prioritized protective measures in partnership with key public and private sector stakeholders.

Over the past year, the Office of Homeland Security and the President's Critical Infrastructure Protection Board (PCIPB) have developed supporting Presidential strategy

documents for physical infrastructure protection and cyberspace security. These documents identify national objectives and guiding principles, and were developed in an extensive collaborative effort with other federal departments and agencies, state and local government, and the corporate sector.

We have also assisted the newly designated federal sector lead departments/agencies in organizing CIP efforts for their respective sectors (chemical industry, defense industrial base, food and agriculture, postal and shipping, monuments and icons). Additionally, we worked to achieve a closer integration between state and local law enforcement and critical infrastructure owners and operators in collaboration with the designated state homeland security advisors.

Critical Infrastructure Information Act of 2002 (CIIA)

65. What do you anticipate will be your role, as Secretary, in implementing the Critical Infrastructure Information Act of 2002 (CIIA), which is enacted as sections 211 through 215 of the HSA.

A: Sections 212(4) and 213 of the Act authorize the Secretary (as well as the President) to designate the components and bureaus within the Department that may receive "critical infrastructure information." If confirmed, I intend to be actively involved in determining the components within the Department that will receive critical infrastructure information.

Section 214(e) of the Act requires that the Secretary establish uniform procedures for the receipt, care, and storage by Federal agencies of critical infrastructure information that is voluntarily submitted to the Government. If confirmed, I will work with my staff, as well as appropriate White House and Executive Office of the President staff, to establish these procedures.

66. What do you understand to be the objectives of the CIIA and what is your plan for achieving them? How will you, as Secretary, evaluate the effectiveness of the CIIA and of critical infrastructure protection programs designated under section 213? For example, what infrastructure sectors and what kinds threats or vulnerabilities will activities under the CIIA be focused on, how will those threats or vulnerabilities be addressed, and how will you ascertain and evaluate results?

A: The primary objective of the Act is, as Senator Bennett phrased it, "to address a dangerous national security blind spot by encouraging two-way information sharing, and [by improving] federal and private industry communication to help protect America from further physical or cyber attack."

Keeping our homeland secure relies on the safety and continuity of vast systems and services that mostly are owned and operated by the private sector. The private sector, not

the Federal Government, owns upwards of 85% of our nation's most vital resources. These include, for example, the provision of financial services, telecommunications, transportation, energy, water, and numerous emergency services. Protecting these systems and services requires, in the first instance, information sharing.

Without access to private sector information, the Federal Government cannot fully analyze, understand, and help eliminate the dangers we currently face. The CIIA encourages information sharing by permitting those who want to voluntarily share information selectively with the Government to do so, knowing that their information will be treated with appropriate sensitivity and adequate safeguards. At the same time, the CIIA provides a framework that allows the Government to use voluntarily submitted critical infrastructure information in the development of advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, and the general public regarding potential threats.

67. **Section 214(e) requires the Secretary to establish uniform procedures for the receipt, care, and storage of voluntarily submitted critical infrastructure information not later than 90 days after enactment of the HSA.**

- **What is your strategy and timetable for developing and issuing these uniform procedures?**
- **What steps have you taken, or will you take, to provide notice to, consult with, and obtain information and comments from others inside and outside of government?**
- **What administrative procedures do you intend to follow in developing and issuing the uniform procedures?**
- **What subjects will these uniform procedures address and what will they accomplish? Among other things, will they help to define or clarify what information agencies should keep confidential?**
- **How do you envision that decisions be made as to whether information submitted to the Department qualifies for confidential treatment under the CIIA?**
- **Will the Department specifically invite particular kinds of entities to voluntarily submit particular kinds of information, or will the Department welcome any information that the submitter believes is within the criteria set forth in the CIIA?**

- **Once a company designates documents as covered by the legislation's confidentiality provisions, do you envision any administrative review of the legitimacy of those assertions? For example, if an entity designates documents as covered by the legislation, and a member of the public subsequently asks a federal, state, or local agency for the information and claims it does not qualify for confidential treatment under the CIIA, what kind of recourse will be available to the submitter and to the requestor? What if no member of the public ever asks for the information; will any official at the federal, state, or local level review the validity of the submitter's designation?**

A: If confirmed, I would measure the effectiveness of the CIIA by the quality of the information shared with the Government based on having these protections in place and, in turn, our use of that information to help prevent physical or computer-based attacks against us.

DHS programs will focus on the entire span of critical infrastructure protection efforts, which we know to be extremely broad. The information DHS receives under the Act may be used to provide advisories, alerts, and warnings to companies, targeted sectors, other governmental entities, and the general public. The information also can be used in furtherance of an investigation or the prosecution of a criminal act, including for example the capture of terrorists before they strike.

Our nation's success sometimes will be obvious, as when a terrorist is stopped and caught. Other times, success will not be easy to measure, since reducing vulnerabilities and hardening our targets will deter and prevent incidents which we never know were lurking. It is often hard to measure the success of deterrence and prevention. Nonetheless, by identifying vulnerabilities, determining how to eliminate or reduce them, and by getting feedback from owners and operators that implement security solutions, we can further ascertain and evaluate the breadth and strength of our programs.

Further, Section 214(e)(2) of the Act sets forth specific requirements for the procedures. If I am confirmed, working with my Legal and Information Technology staffs, I will ensure that the uniform procedures include mechanisms regarding "(A) the acknowledgement of receipt by Federal agencies of critical infrastructure information that is voluntarily submitted to the Government; (B) the maintenance of the identification of such information as voluntarily submitted to the Government for purposes of and subject to the provisions of this subtitle; (C) the care and storage of such information; and (D) the protection and maintenance of the confidentiality of such information so as to permit the sharing of such information within the Federal Government and with State and local governments, and the issuance of notices and warnings related to the protection of critical infrastructure and protected systems, in such manner as to protect from public disclosure the identity of the submitting person or entity, or information that is proprietary, business sensitive, relates specifically to the submitting person or entity, and is otherwise not

appropriately in the public domain."

I would be committed to developing these procedures within the prescribed timetable of 90 days from the subtitle's enactment and consult with appropriate White House and Executive Office of the President staff. Working together, we would consult with others, as appropriate.

Additionally, if I am confirmed by the Senate, I would seek to develop procedures in consultation with appropriate White House and Executive Office of the President staff. I would also give due consideration to procedures used by other agencies for the receipt, care, and storage of sensitive but unclassified information.

These uniform procedures, by Statute, will include mechanisms regarding "(A) the acknowledgement of receipt by Federal agencies of critical infrastructure information that is voluntarily submitted to the Government; (B) the maintenance of the identification of such information as voluntarily submitted to the Government for purposes of and subject to the provisions of this subtitle; (C) the care and storage of such information; and (D) the protection and maintenance of the confidentiality of such information so as to permit the sharing of such information within the Federal Government and with State and local governments, and the issuance of notices and warnings related to the protection of critical infrastructure and protected systems, in such manner as to protect from public disclosure the identity of the submitting person or entity, or information that is proprietary, business sensitive, relates specifically to the submitting person or entity, and is otherwise not appropriately in the public domain."

In order for information to be provided with special treatment under the CIIA, it must be properly and voluntarily submitted, properly marked by the submitter, and meet the definition of critical infrastructure information found in the Act. Should I be confirmed, I will consult with appropriate representatives of the White House and Executive Office of the President staff, to determine what level of administrative review if any is most appropriate to ensure that submitted information meets the requirements of the Act while balancing the need for the submitter to have confidence that properly submitted information will be protected. The Department anticipates that it will both invite particular kinds of entities to voluntarily submit particular kinds of information, and that it will welcome information that a particular submitter believes is important for homeland security purposes which meets the criteria set forth in the Act. Should I be confirmed, I will consult with appropriate representatives of the White House and Executive Office of the President staff, to determine what level of administrative review if any is most appropriate to ensure that submitted information meets the requirements of the Act while balancing the need for the submitter to have confidence that properly submitted information will be protected.

By adopting procedures that carefully "tag and track" information that is voluntarily submitted with a request for protection under the Act, in conjunction with the designation

of specific critical infrastructure protection programs authorized to receive the information, the procedures will help define and clarify what information is subject to special protection.

68. **During congressional deliberations, concerns were expressed that legislation like the CIIA might have the effect of bringing under a veil of secrecy some information that would otherwise be publicly available, such as information related to environmental, health and safety risks and regulatory compliance, thereby inappropriately compromising the public's right to know. For example, anxiety was expressed that a non-Federal submitter might first "voluntarily" submit information to a critical infrastructure protection program, and then submit the same information (perhaps bearing the same express statement that the information is voluntarily submitted) to another program or agency for an unrelated purpose – perhaps to satisfy a requirement or to gain some permission or forbearance under an environmental regulatory program. Concerns were also expressed that such legislation would create vital new programs for protecting critical infrastructure that are largely removed from the ability of the news media and private stakeholders and watchdog organizations to scrutinize and evaluate, and that are therefore lacking in the kind of accountability necessary to assure that infrastructure security is actually enhanced and problems are not simply ignored. Furthermore, concerns were expressed that oversight of infrastructure that is now conducted by regulatory agencies could be shifted to "voluntary" programs at DHS and thereby removed from the public accountability that regulatory programs are intended to foster.**

- **Do you believe there is validity to such concerns, and, if so, how will you address them?**

A: The purpose of the Act is to encourage sharing sensitive information with the Government that, absent protection, would not be shared, and to encourage this sharing in order for the Government then to use the information for the public's benefit.

The public's right-to-know is not impacted where, absent protection from unrestricted disclosure, the information would not have been shared with the Government. In those instances, the information still would be unavailable to the public through FOIA. So, with or without the Act, the information would be unavailable through a FOIA request. With the Act, however, we hope that the information will be shared with the Government for the public's ultimate benefit.

In fact, one of the measures of success of the CIIA will be evaluating the quality of the information shared with the Government owing to the CIIA protections and, in turn, the Government's dissemination of that information to the general public to help prevent physical or computer-based attacks against us. In such cases, CIIA success means getting more information to the public rather than less.

Also, the CIIA only applies to voluntarily submitted information. Information that must be provided to the Government is not subject to CIIA protection. Similarly, submissions to the Government under the CIIA do not constitute compliance with any requirement to submit such information to a Federal agency under any other provision of law.

Finally, the CIIA does not apply to information independently obtained.

69. **The legislation makes voluntarily submitted critical infrastructure information immune from any rules or doctrine regarding ex parte communications with a decision making official. What is your understanding of the kinds of rules, doctrines, and officials to which that provision applies, and what are your plans to give that provision greater clarity?**

A: I understand that it is not unusual for agency rules to prohibit officials, including for example judges and licensing officials, from consulting any person, or party, on any fact in issue without notice and opportunity for all parties to participate. Should I be confirmed, I will consult with appropriate other executive branch officials, to determine whether our procedures would benefit from further clarification of this provision.

70. **The CIIA limits the purposes for which Federal, State, and local officers and employees may use voluntarily submitted critical infrastructure information.**

- **Do you believe that reference to such information may be necessary or appropriate in identifying, evaluating, and addressing any ineffectiveness, inefficiency, mismanagement, waste, or impropriety in Federal, state, or local programs that handle and use such information? If so, will you, as Secretary, assure that such information is available for these purposes?**

- **For whistle blowers who believe such information evidences waste, fraud, or abuse, what appropriate channels will be available for securely sharing the information, whether to the Special Counsel, and appropriate inspector general, GAO, Congress, appropriate state or local officers in the case of state or local employees, or otherwise?**

A: Should I be confirmed, I will consult with appropriate representatives of the White House and Executive Office of the President staff and other executive branch officials, to determine whether and to what extent critical infrastructure information may be used to identify, evaluate, and address any ineffectiveness, inefficiency, mismanagement, waste or impropriety in Federal, state, or local programs that handle and use such information.

Further, should I be confirmed, I will consult with appropriate representatives of the White House and Executive Office of the President staff and other executive branch

officials, to determine the appropriate channels for whistleblowers to securely share critical infrastructure information who believe that critical infrastructure information evidences waste, fraud, or abuse.

71. **Do you believe that voluntarily submitted critical infrastructure information should be used without delay in any judicial or non-judicial forum (whether at the Federal, state or local level) to eliminate or otherwise address any imminent and substantial endangerment to health, safety, the environment, or national security that may be evidenced by the information?**

A: I believe that it is imperative that the Department use its best efforts to make immediate, appropriate use of Critical Infrastructure Information, consistent with the protections afforded that information under the Act, in order to eliminate or otherwise address any imminent threats to critical infrastructure, whether related to health, safety, the environment, national security, or otherwise.

Transportation and Port Security

72. **Numerous observers have stressed the importance – and vulnerability – of our nation's ports, particularly the huge volume of container traffic. However, it is questionable how much improvement has been made in this area since the Sept. 11 attacks. As the new Hart-Rudman task force reports, "only the tiniest percentage of containers, ships, trucks and trains that enter the United States each day are subject to examination – and weapons of mass destruction could well be hidden among this cargo. Should the maritime or surface elements of America's global transportation system be used as a weapons delivery device, the response right now would almost certainly be to shut the system down at an enormous cost to the economies of the United States and its trade partners."**

- **How do you assess the priority of creating more secure entry points for international goods?**
- **What did you do as Director of OHS to advance such security?**
- **How will you balance the need to maintain economic security with any plans to create more secure entry points for international goods?**
- **The Washington Post reported on Dec. 24, 2002, that there are questions regarding the Administration's plans to fund new initiatives to screen more container traffic offshore or in its originating port. What is the planned funding for these efforts? Do you support the planned funding levels?**

A: Security of our nation's ports is among our highest priorities, given that our domestic transportation systems are intertwined inextricably with the global transport infrastructure. Virtually every community in America is connected to the global transportation network. This efficient and reliable transportation system allows for reduced costs and enhances economic growth. As the *National Strategy for Homeland Security* indicates, one of our highest priorities is making sure that our ports of entry are open and efficiently processing legitimate commercial traffic and closed for terrorists and the smuggling of terrorist weapons. We need to make sure that our heightened security does not interfere with legitimate trade.

Better risk management and more efficient screening of goods are the primary keys to maintaining economic security while creating more secure entry points for international goods. Better risk management enables us to identify high-risk goods more quickly and accurately. We can then focus our resources where they are most needed – on those high-risk goods – while facilitating the low-risk goods through the ports of entry and into the stream of commerce. More efficient screening of goods enables us to further eliminate unnecessary delays for no-risk goods. A fundamental element of improving our risk management capabilities is making sure we have better information about goods, and that we have that information far enough in advance so that we are able to use it most effectively.

Since September 11th, the Administration has developed a number of programs and policies that both increase security and facilitate trade. For instance, the Container Security Initiative (CSI), which was referred to in a recent Washington Post article, was launched by the Customs Service just about one year ago, after the President had finalized and submitted the Fiscal Year 2003 Budget. Since then, the program has grown rapidly and beyond anyone's expectations. The initial goal was to implement CSI in countries with the largest 20 seaports, which account for almost 70% of all sea container traffic destined for the United States. Today, agreements are in place that cover 16 of these seaports, and CSI continues to expand rapidly to other strategically important seaports. Although the timing of the launch of the CSI precluded the program from being explicitly included in the President's FY '03 Budget, the Administration has been able to initiate the program with available funds and will work to ensure that it is adequately funded in for the balance of the fiscal year. When the President announces his Fiscal Year 2004 budget in February, I will be happy to come back to the committee to brief you on the funding levels.

By continuing and expanding on programs such as the Container Security Initiative, the Free and Secure Treade (FAST) program, and the Customs-Trade Partnership Against Terrorism, as well as developing similar programs, we will significantly enhance our risk management capabilities. Additionally, the deployment of more non-intrusive technology equipment to more U.S. ports of entry, as well as the use of such technology in foreign ports, will allow goods to be screened more rapidly. These machines can screen a full 40-foot cargo container in about 90 seconds. The Customs Service has

already significantly increased the presence of NII equipment around the country. We will also continue to seek new technologies that can further refine the screening process.

73. **On November 25, 2002, the Maritime Transportation Antiterrorism Act of 2002 became law (Pub. L. 107-295). This legislation gives important new port security responsibilities to the Coast Guard and Customs Service, including requiring the Coast Guard to develop standards and procedures for conducting port security vulnerability assessments. The responsibilities assigned to the Coast Guard under this legislation involve activities that come within the purview of both the Information Analysis and Critical Infrastructure Directorate and the Border and Transportation Security Directorate. As Secretary, what steps will you take to ensure that the Coast Guard establishes and implements effective plans to improve port security, and effectively coordinates these efforts with the other agencies with border and critical infrastructure responsibilities while maintaining its traditional roles and functions?**

A: I recognize the importance of the Maritime Transportation Security Act (the MTSA) and the critical security responsibilities given to the Coast Guard and Customs Service. I also recognize that these MTSA security initiatives cannot wait for the transition of the Coast Guard and Customs to the new Department of Homeland Security. For this reason, I and Secretary Mineta have initiated a process to start the development of MTSA security regulations under Coast Guard leadership while it is still in the Department of Transportation, and have the regulatory process initiatives smoothly transition with the Coast Guard to the Department of Homeland Security.

The Commandant of the Coast Guard has direct report authority to me specifically in part because the Coast Guard's broad responsibilities cut across all of the new Department's responsibilities: detection, preparedness, prevention, protection, response and recovery. I view the Commandant of the Coast Guard as not only a key DHS leader with a direct report to me, but also as one who would attend DHS Under Secretary meetings and participate in Departmental stand-up decisions, as would any of the DHS Under Secretaries. Given this Departmental relationship, along with the active involvement of the Coast Guard in our transition planning processes, the Coast Guard will be able to establish and implement effective plans to improve port security, plans that will be aligned and coordinated with all of the other agencies with border and critical infrastructure responsibilities in the Department of Homeland Security. Additionally, given the uniqueness of the Coast Guard's position in the Department, we will be able to maintain its traditional roles and functions.

74. **The Transportation Security Administration (TSA) is responsible for ensuring the security of all modes of transportation in the United States. What are the benchmarks for determining whether TSA is fulfilling this mission?**

A: TSA is undertaking assessments of critical vulnerabilities across our transportation system. Results of these assessments will serve as the baseline for any future security requirements across maritime and land modes. TSA will develop security standards that, to the extent possible, incorporate industry best practices, new technologies, and innovations to create a more uniform level of security across modes, while ensuring minimal disruption to our transportation system. This risk-based approach will require close interaction with affected industries and close cooperation in the execution of any requirements. In addition to vulnerability assessments, the following measures are examples of indicators TSA may use to determine the efficacy of security measures in place:

- The speed and accuracy with which threat and risk information is disseminated
- The highest vulnerability-reduction-to-security initiative cost ratio possible through security regulations, enhancements and grant funding
- Compliance evaluation ratings of all surface modes
- Scores for performance-based security exercises

Achieving high marks in the measures listed above will ultimately reduce lives lost, dollars lost due to lack of mobility, cost to rebuild infrastructure, and cost of damaged cargo.

75. **Observers, including the recent Hart-Rudman task force, have noted that TSA's efforts appear to have been focused almost exclusively on passenger air travel. What has TSA done to enhance security with respect to land and port security? What role do you anticipate TSA will play in port security and other types of transportation security?**

A: Considerable public attention has been justifiably afforded to TSA's success in improving aviation security in its first year, including deploying enough screeners to screen passengers and their carry-on baggage at all airports by November 19, 2002 and deploying enough explosive detection equipment and screeners to screen all checked baggage by December 31, 2002. However, during this same period, TSA has made considerable progress in improving security in other transportation modes.

The TSA Office of Maritime and Land Security has been involved in a number of activities to improve maritime and land security. These efforts include the establishment of several security-related grant programs, the development of Memoranda of Agreement (MOA's) between TSA and the various modal administrations with DOT; and a number of pilot projects as described below:

Grants

In conjunction with the U.S. Coast Guard (USCG) and Maritime Administration (MARAD), TSA awarded more than $92 million in FY 2002 port security grants to critical national seaports. TSA is currently working on the second round of these port

security grants. TSA also developed eligibility and evaluation criteria, in conjunction with the Federal Motor Carrier Safety Administration and Federal Transit Administration, for $15 million in grants and contracts to enhance security for intercity bus operations.

MOAs

TSA is nearing completion of MOA's with the Coast Guard, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Maritime Administration, National Highway Traffic Safety Administration, Bureau of Transportation Statistics, Federal Motor Carrier Safety Administration, Research and Special Programs Administration and the Saint Lawrence Seaway Development Corporation. These agreements delineate responsibilities between TSA and the respective agencies, improve coordination on new security initiatives, and ensure the public a clear understanding of the role that TSA and other agencies will play in improving transportation security.

Pilot Projects

Operation Safe Commerce: TSA M&L is playing a lead role, working with DOT (OST), Customs, USCG, DoD, INS, Office of Homeland Security and the Departments of State, Justice and Commerce. Operation Safe Commerce (OSC) is a pilot project to identify and fund business-driven initiatives to enhance security for the movement of cargo throughout the entire supply chain, both inside and outside of the U.S. In the first round of funding, $28 million will be distributed to the three largest cargo load centers in the U.S. – the ports of Los Angeles/Long Beach, Seattle/Tacoma and New York/New Jersey. The Federal Register Notice requesting comment for OSC has been published. A subsequent Federal Register Notice will request applications in the forthcoming weeks. Information obtained from these pilot projects will be evaluated for use in setting security standards for intermodal container transportation.

Transportation Worker Identification Credential (TWIC) Program: TSA has established a credentialing team to examine an initiative that will increase transportation worker security through the use of a personal identification system. On December 1, 2002, the TSA Office of Maritime and Land Security began the three-month planning phase of this project. Prototypes are being conducted at two locations to test various technologies and business practices. Four major TWIC system components are being evaluated: (1) access technologies, (2) enrollment center, (3) data base (regional), and (4) card production, personalization and issuance

76. As head of OHS, what efforts did you undertake to review this aspect of TSA's mission?

A: As Assistant to the President for Homeland Security, I have worked closely with the Cabinet secretaries and agency heads, including the Secretary of Transportation and the

Under Secretary for Transportation Security, to coordinate activity across and between their respective areas of responsibility. The President's National Strategy for Homeland Security charges each department and agency with creating benchmarks and other performance measures to evaluate progress and allocate future resources, and the departments and agencies have each worked to refine or establish these measures in order to ensure effective implementation of their programs.

77. **The HSA does not include a position comparable to the Under Secretary for Transportation Security, who currently heads the Transportation Security Administration. Given the massive challenges still facing TSA, what will you do as Secretary to ensure that TSA has effective leadership so that it continues to implement its critical aviation security mission and to address its other transportation security responsibilities?**

A: The TSA is a key component to the success of the homeland security mission. As a critical piece of our Border and Transportation Security Directorate, I pledge to support TSA's mission and leadership to the fullest extent possible.

78. **Within DHS, the Coast Guard will not be part of any directorate and will report directly to the Secretary.**

- **What role do you envision for the Coast Guard in homeland security?**
- **How do you plan to coordinate the activities of the Coast Guard with the activities of the Border and Transportation Security Directorate and other directorates of the new department?**

A: The Coast Guard has been performing the mission of Homeland Security since its inception more than 200 years ago. Since 1790 it has adapted its operations to meet the needs of the nation. After the terrorist attacks of Sept. 11, 2001 the Coast Guard once again made changes, refocused our efforts, and developed new tools and policies to protect the American people. I view the Commandant of the Coast Guard as a key component of our Department's leadership and will include him in Departmental stand-up decisions in the same manner as the other Department Under Secretaries. As the sole maritime border control agency, clearly the Under Secretary for Border and Transportation Security and the Commandant of the Coast Guard will need to forge a close working relationship to ensure that the President's vision of a seamless border is put in place.

79. **In 2001, the Coast Guard conducted over 39,000 search and rescue missions and saved more than 4,000 lives. With this in mind, Congress included in the HSA language drafted by Senators Stevens and Collins to preserve the traditional functions of the Coast Guard. What will you do to ensure that the non-homeland**

security missions of the Coast Guard are maintained without significant reduction as it is integrated into the new Department?

A: The Coast Guard's fundamental roles – defense of territorial waters, border patrol, maritime law enforcement – align with the core mission of the new Department. For example, the Coast Guard is presently responsible for interdicting contraband at sea, securing our seaports, and preventing foreign threats from reaching our shores. The Coast Guard, however, will continue to performance of all of their missions, from anti-drug and illegal migrant patrols to fisheries enforcement and aids to navigation. I will work personally to ensure that the Department provides for the continued backing of the entire Coast Guard mission through personnel, budget, and the support of the Office of the Secretary.

80. There is serious concern that we have done little to protect rail from terrorist attacks and security risks, despite known threats. Do you believe the Congress needs to specifically address Amtrak and freight rail security in the 108th Congress to help secure physical assets and protect the safety and security of the traveling public? Would you support enactment of comprehensive legislation to address the threat to passenger and freight rail service?

A: I believe that Congress will need to address Amtrak and freight rail security. Amtrak and freight rail are at considerable risk of terrorist attack, as documented by many sources, including the USDOT Inspector General. Moreover, state and local police and fire officials have confirmed their limited ability to respond to a major attack. Should I be confirmed I look forward to working with Congress to support legitimate security enhancements such as better fencing, enhanced lighting, video surveillance for stations, bridges, and tunnels, and implementing measures to screen passengers and baggage for dangerous weapons and explosives. Given the vast infrastructure comprising passenger and freight rail systems, any security enhancements must be the product of careful risk assessment and cost-benefit analysis.

81. Roughly 25 million intercity passengers and many millions more commute aboard passenger trains annually in America. As Secretary, what specific steps would you take to ensure that rail passengers are safe and secure from terrorist threats?

A: TSA has established close working relationships with the Federal Rail Administration on the development of security initiatives, and is in the final stages of negotiating a Memoranda of Agreement (MOA) to ensure coordination and communication on security issues. TSA also is in communication with rail operators to assess threats in the rail environment. TSA's Office of Maritime and Land Security has met with the Amtrak Chief of Police on two occasions regarding TSA initiatives and security improvements. Currently, TSA provides information on threats and security measures to industry officials.

Radiological Dispersal Device (RDD) – TSA is helping to lead an effort to integrate homeland security "RDD" projects with various stakeholders. TSA currently is meeting with all the freight railroads in the Newark, New Jersey area on to determine choke points and the feasibility of installing RDD portals in freight and intermodal yards.

Intelligence Sharing – Transportation Security Intelligence Service (TSIS) is responsible for providing intelligence to all modes of transportation. TSA has facilitated an agreement with TSIS to provide daily intelligence summaries to AAR. AAR is also providing liaison training to TSIS personnel. TSA also is working with AAR, TSIS and railroad police to identify essential information to include in intelligence assessments.

Technical Support Working Group – TSA is working with other agencies to identify resources for implementing rail security initiatives. TSA is working with the Department of Defense's Technical Support Working Group (TSWG), which identifies security issues of interest to multiple agencies. TSA also has obtained TSWG funding of a Rail Inspection Guide for rail personnel to use in searching trains for explosive devices and other threats.

82. **In November, the FBI issued warnings that al-Qaeda is considering directly targeting U.S. passenger trains and that operatives may try to destroy key rail bridges and sections of track to cause derailments. There are also fears that terrorists could target the Amtrak rail tunnels under the Senate and House office buildings and the Supreme Court that are now only marginally protected. Under your leadership, how do you propose to have the DHS address this security concern along with other safety and security issues involving Amtrak's northeast corridor tunnels in Baltimore and New York?**

A: TSA is developing a proposal that would require transportation facilities to conduct vulnerability assessments and to develop security plans to address their vulnerabilities. TSA, or an agency with existing authority and jurisdiction over that facility, would evaluate and approve each security plan. Additionally, TSA, in concert with the intelligence community and industry experts, are proposing to develop and maintain an array of base threat scenarios for each type of transportation facility. These threats would be communicated to appropriate authorities that operate transportation facilities. These efforts would be tied in to the Department of Homeland Security's threat levels: At increasing threat levels (i.e., yellow, orange, red, etc.), the transportation facilities would be required to implement commensurate levels of vulnerability mitigation.

Numerous transportation facilities are already conducting a broad range of vulnerability or criticality assessments. A consistent approach in the tools that are used and the threats against which the tools are deployed is necessary to maintain a coordinated national approach.

Passenger Rail
TSA is working with Amtrak to identify requirements for a test project using screening technologies at designated locations. The results will provide valuable information for use in making informed decisions regarding screening protocols, resource allocations, and system security improvement. The team's efforts are focused on identifying cost-effective technologies that can be implemented with minimum impact on the passenger flow and efficiency of rail operations.

Shortly after the attacks on 9-11, Amtrak police officers guarded key tunnels and bridges on the Northeast Corridor 24/7. Due to budget considerations, the police officers were soon replaced by Amtrak engineering department employees. Again due to budget considerations, those employees were eventually removed from monitoring these critical locations. Amtrak intends to use some of the money recently appropriated to enhance the security of the tunnels, beginning with the New York City area. CSX Transportation, Inc. is currently installing video technology at the portals to the Virginia Avenue tunnel in Washington, DC to monitor the tunnel for unauthorized entry by individuals in that area. These tunnels are used for freight traffic as well as the Virginia Railway Express commuter trains coming into and out of the Washington, DC area. CSX is currently utilizing security contractors to guard each end of the tunnel 24 hours a day, seven days a week.

Freight Rail
TSA is working closely with the railroad industry and their police departments responsible for the security of their infrastructure. The Department of Homeland Security (DHS) and TSA will continue to work closely with the rail carriers to implement appropriate countermeasures and technologies that will ensure the security of the tunnels and bridges on Amtrak's Northeast Corridor and in the Washington, DC area specifically. TSA is addressing the movement of bulk hazardous materials and is discussing a "Chlorine Initiative" as a pilot project to address hazardous materials shipments. The Chlorine Initiative would include a system security review of the chlorine supply chain from origin to destination. Factual data from such a review of the supply chain would be analyzed and TSA staff will perform a risk and vulnerability assessment. The Chlorine initiative could serve as the prototype for additional supply chain assessments of hazardous materials.

83. **In creating the Department, there was an opportunity to address rail security explicitly. Senators Hollings, McCain and others worked within the Commerce Committee to produce a bipartisan rail security bill to protect Amtrak and our vital rail infrastructure from attack or sabotage. This bill, S.1550, was supported by the Bush Administration and reported unanimously out of the Committee. Sen. Carper followed this work with a rail security amendment that authorized $1.2 billion through the Secretary of Homeland Security for critical security and safety needs across Amtrak's national network, and that was added to the Lieberman Substitute**

to H.R. 5005, the Homeland Security bill. This provision was not included in the final version of the Homeland Security bill. Have you reviewed either of these proposals and do you have an opinion on them?

A: The Railroad Advancement and Infrastructure Law for the 21st Century (S. 1530) and the Rail Security Act (S. 1550) authorize funding for Amtrak for system-wide security upgrades and other improvements. Although these bills expired with the close of the 107th Congress, similar legislation is likely to be introduced in the next Congress. The Department of Homeland looks forward to working with Congress to support legitimate security enhancements such as better fencing, enhanced lighting, video surveillance for stations, bridges, and tunnels, and implementing measures to screen passengers and baggage for dangerous weapons and explosives.

84. **What is the proper relationship between DHS/TSA and the DOT on issues involving rail security? What is your vision of how these two agencies should work together in order to address this issue?**

A: Should I be confirmed by the Senate, I look forward to working with the Secretary of Transportation to develop an amenable process for all parties concerned.

85. **Section 421 of the Act authorizes the transfer of 3,200 Animal Plant and Health Inspection Service (APHIS) border inspection personnel to the Department of Homeland Security. Accounting for an estimated 60 percent of APHIS's staff and 30 percent of its budget, border inspection activities serve as the country's primary safeguard against devastating plant and animal diseases from abroad. We believe it is important that the traditional mission of our agricultural border inspection services not be lost in the reorganization.**

- **How will you ensure that, after the transfers to DHS are complete, inspectors will continue to search for important plant and animal diseases that are not terrorism-related?**

- **Similarly, how will you ensure that the interests of our nation's agricultural industry will continue to be safeguarded at ports of entry by the Department of Homeland Security?**

A: The inclusion of portions of APHIS into the new Department of Homeland Security reflects an absolute commitment to protecting American agriculture from agro-terrorism and foreign plant/animal pathogens which could have devastating effects on plan/animal health and the viability of that sector of our economy. APHIS' additional elements beyond its border inspections also contribute to the shared homeland security mission. Its overseas officials provide information about foreign pests and diseases and inform foreign exporters about the measures we are taking to protect domestic crops and herds.

Finally, APHIS' extensive communications with state and local public health agencies will contribute to our nation's overall domestic preparedness.

I recognize that the additional work the employees at APHIS conduct is vitally important as well, which is why we will need to forge a close working relationship between the Department of Agriculture and the new Department of Homeland Security.

Science and Technology

86. **Prior to the passage of the homeland security legislation, the Administration had already initiated transition efforts anticipating the passage of the Administration's original proposal for a Department. However, one change between the Administration's proposal and the HSA was the establishment of a more substantive, broader, and integrated science and technology (S&T) entity with access to a new $500 million funding source.**

- **Please describe what steps had been taken prior to the HSA passage to implement the Administration's proposal for a Directorate focused on developing countermeasures to chemical, biological, nuclear, and radiological weapons. Please describe also the status of the transition effort with respect to S&T at the time of the HSA's passage.**

- **What changes to the ongoing transition process have been made, or will be made, in light of the passage of the HSA to implement the provisions mandating the more expansive Directorate of Science and Technology?**

- **How will the criteria for the administration of the funding source be developed? How can the fund be used effectively for both R&D and applications of technologies?**

A: Transition planning prior to HSA passage was focused on developing S&T roadmaps aimed at implementing the initiatives described in the President's *National Strategy for Homeland Security*. At the time of HSA's passage, top-level recommendations for activities in the next two fiscal years (FY03 and FY04) had been nearly completed. At that time, transition planning had also identified a series of needed management directives and memoranda of agreement with other agencies that, depending on the final form of the HSA bill, might require implementation.

With passage of the HSA, a more finalized list of management directives and MOAs has been developed, and draft versions of the same are under development. Furthermore, planning for the S&T program over the next few years has continued, focused on implementing the initiatives described in the President's *National Strategy for Homeland*

Security, at an additional level of detail, so that proposals can be submitted to DHS leadership for the FY03 and FY04 program plans.

Finally, the Director of HSARPA will be tasked to develop effective systems and technologies based on sound science. Appropriations to HSARPA will be allocated in consonance with the priorities identified in the DHS S&T roadmap, which in turn is based on identified needs across the Department's directorates, and on an assessment of our vulnerabilities and the state of our capabilities. The Director of HSARPA will also have the discretion to develop programs in response to emerging threats or innovative proposals from industry that address issues unanticipated by the S&T roadmap. In some cases technology is readily available, or can be available in the near term. In others, the solution to a problem identified as a priority will require an investment in applied research and development, often at the cutting edge. The Department understands that a full exploration of the technical solution space, and hence the opportunity for leapfrogging, high payoff capabilities, entails accepting the risk of failure.

87. **The primary driver of innovation within the Directorate of S&T will be a Homeland Security Advanced Research Projects Agency (HSARPA), which is modeled after, and will work with, DARPA its DoD counterpart. There are concerns that the Homeland Security Act's language might be construed to require HSARPA to adopt or replicate specific DARPA programs.**

- **What steps will you take to ensure that HSARPA serves as a productive engine for technological innovation, while remaining true to the mission of Homeland Defense?**

- **What differences do you note between HSARPA's goals and those of DARPA's?**

A: The HSARPA program will be developed in consonance with the priorities identified in the DHS S&T roadmap, which in turn is based on identified needs across the Department's directorates, and an assessment of our vulnerabilities and the state of our capabilities. Many differences between HSARPA and DARPA can be cited. For example, systems developed for homeland security will require very low support and maintenance costs and turnkey operation, since operations and support cannot assume the existence of dedicated personnel, constantly trained, and dedicated logistics chains. There will be clear differences in performance requirements, such as tolerance for false alarms. Importantly, homeland security systems must where practical enhance the commonplace, day to day operations of first responders and federal agencies conducting traditional missions while at the same time enhancing our security against the rare terrorist event.

88. **The provisions establishing the Directorate of S&T were written with the understanding that our federal research entities need to move away from the**

traditional stove-piped R&D framework that discourages interdisciplinary and interagency collaboration. Accordingly, the legislation intends for the Directorate of S&T to adopt a lean, flexible organizational and operational structure that draws broadly across the full scope of expertise and resources resident within and outside the walls of government to advance the homeland security mission. There have been reports that the homeland security transition team has been instituting a structure for the Directorate of S&T that is modeled after traditional, existing R&D entities centered at the Lawrence Livermore Laboratory facilities.

- **Please address this issue by describing how you plan to set up the structural elements of the Directorate of S&T, and how this structure will effectuate the flexibility and scope for the Directorate as contemplated in the final legislation.**

A: The organizational plans for the S&T Directorate are still under development. The S&T organization is envisioned to be a streamlined, integrated team that will access the technical resources and assets of the private sector, academia, and federal government. The organization will be based on customer-focused portfolios for countering chemical, biological, radiological and nuclear attacks and for conducting and enhancing the normal operations of the Department. The research, development, test and evaluation programs will address the greatest threats and highest priorities needs based on assessments of threats, customer requirements and technological capabilities. These will be executed competitively across the spectrum of intramural and extramural assets of the directorate, including the Homeland Security Advanced Projects Agency, the Office of National Laboratories, and the technology clearinghouse. By setting up structures to develop and articulate our overall investment portfolio, and then to manage the assets, both intramural and extramural, that bring that strategy to fruition, the S&T Directorate will be a responsive, flexible agent for developing and nurturing a National homeland security enterprise sufficient in scope to meet the threat.

89. **Full and efficient coordination within the Department between the various Directorates and their Under Secretaries will be critical to the effective prosecution of the overall homeland security mission, as well as the individual missions of each Directorate. This proposition holds especially true for the Directorate of S&T given that it will bear primary responsibility for developing new technologies, or mapping available technologies, to the needs of other Departmental entities and first responders. For example, in the context of border and port security, the Directorate of Border and Transportation Security will have an acute need to rapidly acquire new technologies for detecting and tracking cargo that may contain nuclear, radiological, biological, or chemical agents. This need will require the Directorate of S&T to support the development of innovative sensor and tracking technologies, or to identify and acquire commercial available technologies capable of providing the requisite functionalities.**

- **Please describe what steps you will take to ensure that the activities of the various Directorates are coordinated with those of the other Directorates, both during the transition phase and after full implementation.**

- **With respect to the Directorate of S&T, please describe how you will ensure that its R&D, funding, and technology acquisition efforts are tightly coordinated and aligned with the needs of the other Directorates?**

A: The S&T Directorate will have a governance structure that ensures that the operational end-users are engaged throughout the lifecycle of research, development and acquisition of systems. This will involve mechanisms that require operational end-user coordination and approval at defined decision points in the systems development cycle. The S&T Directorate will also be staffed by matrixed personnel from the other operational directorates who will be responsible for coordinating activities on a daily basis. The RDT&E and technology acquisition activities managed by S&T will executed through an integrated plans, programs and budget system that will involve operational end-users in all steps of the process. Furthermore, we expect a high level of coordination between S&T Directorate and the other DHS divisions to ensure that the Department's R&D portfolio draws upon the requirements for, and experience of, DHS as a whole.

90. **Beyond identifying the technological needs of the Department and its Directorates, the Department must coordinate with extra-Departmental entities to initiate and fund appropriate R&D, and to assist in the identification, acquisition, and deployment of technologies developed in the private sector. Such external coordination takes on additional significance given that the vast majority of research and technology efforts relevant to homeland security will continue to occur outside the direct control of the Department – in other agencies and in corporate or university laboratories.**

- **With respect to other federal agencies, how do you plan to promote interagency collaboration on homeland security R&D, particularly in areas that may fall outside traditional agency missions or scientific disciplines?**

- **With respect to engaging the private sector and academic community, what steps will you undertake, both now and after full implementation, to identify, support, acquire, and deploy commercially available or near-mature technologies that are capable of servicing the missions of the Department or its Directorates, such as the port security mission of the Directorate of Border and Transportation Security, or the risk analysis functions of the Directorate of Information Analysis and Infrastructure Protection?**

- **If appropriate technologies are not readily available in the commercial or academic sector, what efforts will you undertake to support or partner with industry or academia in developing such technologies?**

- **Does the Administration believe that the National Science and Technology Council (NSTC) is able to handle coordination of technology between the many government department and agencies in lieu of the creation of the new department? What steps will the Administration take to ensure that NSTC is up to the task?**

A: Because many significant elements of the federal homeland security research and development portfolio will not transfer to the Department of Homeland Security (e.g., NIH bioterrorism research), the Department of Homeland Security will work closely with the Office of Homeland Security, and the Office of Science and Technology Policy, in coordinating across agencies, and promoting awareness of, the various R&D activities that contribute to homeland security.

Furthermore, DHS will be proactive in developing interagency collaborations where appropriate, and expects, in its role for developing and articulating a national strategy and national priorities for homeland security R&D, to foster close working relationships with the relevant agencies. Furthermore, the S&T Directorate recognizes the need for new areas of investigation that fall outside the traditional national security scientific communities or traditional agency missions (e.g. setting standards for biopathogen sensors), and will thus take the lead for establishing those programs, collaborating across agencies as is appropriate and practical.

DHS expects to become a core member with the Technical Support Working Group (TSWG), alongside its founding members, the Departments of State and Defense. TSWG has a well established and successful process for articulating priorities, soliciting for and evaluating proposals, and rapidly prototyping technologies with the operational community. HSARPA will provide the prime venue for articulating needs, and soliciting and developing solutions from the private sector and academia.

The NSTC provides a robust and well-accepted venue for identifying relevant efforts across agencies, and rationalizing the programs and their budgets. The NSTC is currently being organized by OSTP, and in consultation with OHS and OMB, to address homeland security issues; this represents a formalization and refinement of the structure OSTP initiated through the NSTC after Sept 11th, 2001. In addition, the Office of Homeland Security, through its policy coordinating committee on R&D, provides a venue for senior decision makers to rapidly agree on a course of action.

91. **The HSA calls for a contract with Federally Funded Research and Development Centers (FFRDCs) and the creation of a Homeland Security Institute to provide**

specialized advise and expertise with regard to assessing, analyzing, and mitigating homeland security threats, vulnerabilities, and risks. How do you plan to take advantage of the resources provided by these sources?

A: The Department of Homeland Security will under the legislation create one or more FFRDCs for independent analytic support for our homeland security science and technology endeavors. These efforts will support planning activities, including net assessment, preparing agency guidance, and reviewing agency programs and budgets; systems analyses; requirements analyses; assessments of competing technical and operational approaches; and the Department's use of "red team" techniques. The FFRDC that provides this support to the Department will be allowed to undertake long-range analysis projects and should have access to sensitive government and proprietary data, including intelligence assessments. It should also possess unquestionable objectivity, staying free from conflicts of interest with other government institutions and the private sector.

92. **The HSA transfers the Plum Island Animal Disease Center of the Department of Agriculture into DHS. DHS and the Department of Agriculture will enter into an agreement that will result in DHS paying for the activities at Plum Island, but the Department of Agriculture would retain ability to carry out research, diagnostic, and other activities of the Department of Agriculture. How do you plan to coordinate the operations of the two Departments, and what steps will be taken to ensure each enjoys maximum use of Plum Island's facilities?**

A: An Interagency Agreement is currently being developed between the USDA and DHS which will define the process for interagency coordination and collaborative program management between USDA and DHS for bio-threat select agent research, development, test and evaluation, both at Plum Island and elsewhere, e.g., Ames Animal Research Center, and that assures access by both agencies to the Plum Island facilities, and establishes the mechanisms by which USDA will reimburse DHS for operations and support costs.

93. **The HSA requires DHS to coordinate its health-related activities relating to countermeasures for chemical, biological, radiological, nuclear and other emerging terrorist threats, with those activities carried out by the HHS and the Public Health Service. HHS will be required to set priorities, goals, objectives, and policies and develop a strategy for those activities. Please describe how you will interface that coordinated effort with HHS in terms of policies to be set and sharing of funds?**

A: An Interagency Agreement is currently being developed between the HHS and DHS which will define the process for interagency coordination between HHS and DHS for bio-threat select agent research, development, test and evaluation, and assure a research program plan based on a sound assessment of the threat and our ability to respond to it. This will also provide a means whereby DHS can have insight into the technical content

of the HHS program, work with HHS (as called for in the Bill) to set metrics for performance and progress, and thus be in a position to develop a net assessment of the Nation's ability to meet the bioterrorism threat.

Human Resources Management

Challenges facing the Department; Role of the Secretary

94. **What will be the principal challenges in the area of human resources management in, first, establishing the new Department of Homeland Security, and then in achieving the Department's missions in the coming years? What do you believe should be the role of the Secretary in these areas. How would you, as Secretary, intend to address each of these challenges?**

A: The establishment of the Department and merging of twenty-two agencies that have heretofore been separate, and whose systems, cultures, and procedures are different, certainly presents a challenge. However, what is consistent among all of the incoming agencies is that these employees have been doing the work of "homeland security" long before September 11, 2001, and long before this Department was created. I believe that the strength of this Department rests in the merit of its employees, and look forward to working side-by-side with them to accomplish our shared goal of defending the United States from future threats to our homeland security.

95. **What is the quality of strategic human capital planning and human resources management at the agencies being consolidated into the DHS? What do you believe are the reasons for any deficiencies, and what are your plans for making improvements?**

A: Many of the agencies that will make up the Department of Homeland Security are facing the same challenges that exist throughout the federal government. One of the key challenges is the large number of federal employees that will be eligible for retirement over the next several years and the ability for the federal government to find qualified replacements for those workers who do wish to retire.

In the "Strategic Plan 2002-2007," the Office of Personnel Management has set forth an ambitious agenda to build a quality and diverse Federal workforce, based on merit system principles. Should I be confirmed by the Senate, I will work with the OPM Director to build the same kind of system for the Department of Homeland Security. My goal is not unlike the rest of the President's cabinet – to successfully recruit and employ the brightest and most experienced talent available to serve the Department and help protect our homeland.

96. **Several sections of the HSA require the Secretary and the Director of the Office of**

Personnel Management to act jointly with respect to human resources management at the DHS. (Sections 841, 881, 1512(e)). What do you foresee as the respective roles of the Secretary and the Director in performing each of these responsibilities, and any other responsibilities under the HSA where the Director of OPM may have a role?

A: I believe that in order to make the new human resources management system a success, a close working relationship between the Secretary of Homeland Security and the Director of the Office of Personnel Management must exist. The Office of Personnel Management has a workforce of professionals trained in human resource management who will provide much needed assistance as we move to establish this new system. However, should I be confirmed as Secretary of the Department of Homeland Security, I will follow the concepts of Sense of Congress, as put forth in Section 841 of the Homeland Security Act:

- It is extremely important that employees of the Department be allowed to participate in a meaningful way in the creation of any human resources management system affecting them;
- Such employees have the most direct knowledge of the demands of their jobs and have a direct interest in ensuring that their human resources management system is conducive to achieving optimal operational efficiencies;
- The 21st century human resources management system envisioned for the Department should be one that benefits from the input of its employees; and
- This collaborative effort will help secure our homeland.

97. **At your televised meeting with future DHS employees on December 17, 2002, you said: "First of all, we don't envision any changes. If you're in a collective bargaining unit now, you're moving into a collective bargaining unit when you transfer to the new Department. We tried to underscore publicly, and this gives me the opportunity to say it again with a larger audience, that all the civil service protections that are very appropriately associated with the men and women who wear the public service uniform, the Fair Labor Standards Act and the Hatch Act and the Whistleblower protection, and a variety of these other protections, they move right along in the new Department. It will be our job to make sure they understand those protections exist because they need them, they deserve them and they'll continue to be a part of the employment infrastructure of the Department." Many of these rights and protections are embodied in law that will remain applicable at the new Department, but you and others in the Administration will have some discretion to alter certain rights and protections, and to establish the procedural and cultural environment for employees at the Department. What will you do, as Secretary, to honor these pledges to protect the civil service and collective bargaining rights of employees in the new Department, both during the 1-year transition period and thereafter?**

A: The nation has changed considerably since the tragic events of September 11 and changes resulting from that day traverse across our nation, including within the federal government, as my presence before the committee in itself, is a testament to. However, what has not changed are the rights of workers. In fact, the employees coming into the Department of Homeland Security will still be covered by Civil Rights Act, the Fair Labor Standards Act, the Social Security Act, Government ethics standards, and Hatch Act political activities restrictions. Further, if a worker belongs to a bargaining unit, it will transfer to the new Department. While the Homeland Security Act does provide flexibility to the Secretary it also requires that the union representatives and I work together to ensure that while the new personnel system is flexible and contemporary, they do not modify the public employment principles of merit and fitness.

Pay and benefits

98. **Section 881 of the HSA requires that, within 90 days of enactment, the Secretary, in consultation with the Director of OPM, must review the pay and benefit plans of each agency transferred to the Department and submit a plan to Congress for eliminating disparities in pay and benefits throughout the Department, especially among law enforcement personnel.**

- **What is your strategy and timetable for undertaking this review and preparing and submitting the plan?**
- **In developing this plan, what steps have you undertaken and will you undertake to obtain the views and suggestions of law enforcement officers and other management officials and employees of the agencies; of representatives and organizations of law enforcement officers and other managers and employees; and of others outside of government?**
- **What factors and criteria do you intend to apply in recommending changes to pay and benefit systems in the plan? For example, comparability with pay and benefits paid to comparable private sector employees? Locality differentials? The ability of the Department to recruit, retain, and place the employees it needs to meet its missions?**
- **Do you anticipate that the plan will be accompanied by proposed legislative changes?**
- **What consultation do you plan to undertake with Congress regarding the plan and its implementation?**

A: Working in close cooperation with the Director of the Office of Personnel Management,

and through the Transition Planning Office, action will be taken to review the pay and benefit plans of each agency transferred to the Department and submit a plan to Congress for eliminating disparities in pay and benefits throughout the Department. It is my full intention to fulfill the mandate set up the Homeland Security Act, including imposed deadlines.

I believe that to make this a success there must be input of ideas and advice from all of the Department of Homeland Security stakeholders – employees, unions, professional associations, Congress, and others. Of course, should any pieces of our new system require legislative changes, we will be soliciting your assistance in that matter.

99. **Some argue that the compensation for law enforcement officers and other employees of the new Department, like other federal salaries, is falling farther behind comparability with non-federal pay, and that this situation will harm the Department's ability to recruit and retain essential personnel. Concerns have also been expressed that wide discrepancies in pay can result in some agencies hiring law enforcement officers away from other agencies. What is your view of this?**

A: Part of the reason the Administration worked to include the personnel flexibilities in the Homeland Security Act was to address critical issues such as this. It is possible that the classification system, which was designed to apply to a 1940s workforce that essentially did similar jobs, becomes a barrier to hiring highly-skilled employees. By allowing for some flexibility in the pay and classification systems, I believe the Department of Homeland Security will not only be able to attract, but also retain, these invaluable employees.

100. **What, specifically, is your view about the recent track-record of federal agencies in recruiting and retaining agents in the Border Patrol, Customs Service, Immigration and Naturalization Service, Transportation Security Administration, and other protective agencies being moved to the DHS? What improvements would you make, and how?**

- **What is your view about the recent track-record regarding recruitment and retention of the non-security related employees being moved to the Department?**
- **Generally, what will be your goal as to comparability among DHS, other federal and non-federal compensation?**

A: Congress, in the Homeland Security Act, provided the Secretary with the authority to establish a new human resources management system. The focus of the new personnel system of the Department of Homeland Security should be about putting the right people, in the right jobs, with the right pay and incentives to ensure they are the most effective government employees they can be. I believe that our new system should empower our

employees with the right tools that give them the capability to complete our shared mission. While some agencies of the federal government have done a better job than others in recruiting employees, the Department of Homeland Security must be focused on the future in order to do achieve our goal of attracting and retaining the best and brightest to share in the important mission of protecting the United States from future terrorist attacks.

New human resources management system; use of personnel flexibilities

101. Section 841 of HSA authorizes the Secretary, in regulations prescribed jointly with the Director of OPM, to establish a human resources management system (HRMS) for some or all of the organizational units of the Department.

- **Do you believe such a new HRMS should be established?**
- **If so, which of the Department's organizational units should it cover?**
- **What results do you believe the new HRMS should achieve?**
- **What is your strategy and timetable for preparing and instituting a new HRMS?**
- **What, if any, process do you intend to use to solicit suggestions from employees, their representatives and organizations, and others before making any formal proposal? What experts will be consulted, when, and by what process?**
- **When and how will you provide a copy of the proposed rules to employees and their representatives and organizations? What processes will you then undertake to consult and negotiate with them about the proposal?**
- **When and how will you provide a copy of the proposed rules to Congress?**

A: As I stated in the previous question, the focus of the new personnel system of the Department of Homeland Security should be on putting the right people, in the right jobs, with the right pay and incentives to ensure they are the most effective government employees they can be. If confirmed, I believe that the new system should empower our employees – all of them – with the right tools that give them the capability to complete our shared mission. I welcome and will value their insights on how this system can be made a model for the rest of the civil service.

According to the Homeland Security Act, within 6 months of the establishment of the new Department, the Secretary of Homeland Security and the Director of the Office of

Personnel Management can issue regulations making changes in five key areas of human resource management.

Additionally, it prescribes a system by which employee representatives and Congress participate in the process:

a. Each union representative must be given a written description of the proposed system or adjustment, along with a written justification for the change;
b. Allow 30 days for the unions to review the proposal and make recommendations back to the Secretary and the Director;
c. If any or all of the union modifications are not accepted, the Secretary and the Director must:
   i. notify Congress;
   ii. allow for a 30 day mediation period with the union representatives to try and work out the differences;
   iii. allow for the use of the Federal Mediation and Conciliation Service, but only at the Secretary's request or the request of the majority of the employee representatives.
d. If the mediation process does not work, and 30 calendar days have past, the Secretary has the discretion to implement the disputed portions of the proposal, but must notify Congress and provide written justification as to why the disputed pieces of the proposal are being implemented.

102. **Advocates of personnel flexibilities (such as performance-based pay, pay banding, and other flexible authorities) believe such flexible authorities are needed to achieve a more responsive human resources management system. But concerns have been raised that such flexibilities, by allowing personnel decisions to be based on less objective and consistent criteria, can increase the risk of arbitrary and unfair action and politicization in the workplace. Do you believe these concerns have any validity? What can be done to address these concerns?**

A: As Congress recognized with the passage of the Homeland Security Act, there is absolutely no reason for concern when it comes to the Act's personnel flexibilities creating an unfair hiring process or working environment. These flexibilities are designed to establish a pay system that rewards top performers while at the same time holding people accountable for their work. If confirmed, I will work to alleviate the concerns of those who may be worried that the new personnel system will be unfair. The first step is listening to the employees moving into the department, learning their individual concerns and then identifying the communicative steps necessary to respond. With any transition of this scale, there is bound to be concern, apprehension, and nervousness but as we move forward and the elements of the new Department are explained and understood, I believe all worries will be put to rest.

103. **What is your opinion about whether the Department needs to establish or upgrade its management systems before it implements a HRMS or other personnel**

flexibilities? For example, do you believe that the Department must first –

a. ascertain its workforce needs based on fact-based analysis and sound strategic planning, and only then develop strategies that employ appropriate personnel flexibilities to meet documented needs;

b. establish or upgrade processes for ascertaining and documenting relevant information about personnel and for making personnel decisions, and

c. adopt mechanisms for holding managers and supervisors accountable for the fair and effective use of personnel flexibilities?

If so, please explain how you will assure that such policies and procedures will be established and functioning effectively at the Department before any HRMS or other flexible personnel authorities are put into effect.

A: The Homeland Security Act included a "Sense of Congress" that I believe is a good guide to follow with respect to the development of the new HRMS. It that said "it is extremely important that employees of the Department be allowed to participate in a meaningful way in the creation of any human resources management system affecting them and that such employees have the most direct knowledge of the demands of their jobs and have a direct interest in ensuring that their human resources management system is conducive to achieving optimal operational efficiencies." I will ensure that meaningful participation exists when developing any human resources management system, if I am confirmed as Secretary.

104. What due process rights do you believe employees in the Department are entitled to when faced with dismissal or other punitive personnel action in the new Department? Also, how do you think these rights should be implemented?

A: The Supreme Court has set forth general standards of procedural due process when governmental agencies accord a property interest in continued employment. When an employee is removed he or she is entitled to notice and an opportunity to reply. The reply gives the employee the chance to tell his/her side of the story and to act as a check against mistaken action. The employee also gets a post-termination hearing. The regulations that OPM and the Department of Homeland Security promulgate will implement those principles faithfully.

105. The effective implementation of a HRMS or of any personnel flexibilities will require a sufficient budget to recruit, retain, train, and provide incentives to the necessary personnel. Some believe that past efforts to implement personnel flexibilities in the federal government have been undermined by inadequate funding for using these flexibilities. What will you do to obtain a sufficient personnel budget for the Department?

A: Should I be confirmed by the Senate I will be bound to follow the process of proposing a budget to the Office of Management and Budget and seeking the President's approval before that budget is sent to the Congress for deliberation and approval. I would direct the Under Secretary for Management to work with the Office of Management and Budget to ensure that the Department of Homeland Security has sufficient funds to operate an effective Human Resources Management System.

Relations with unions and with career executives and administrators

106. What role would you like to see unions play at the Department, and what style of arrangements involving labor and management do you intend to foster?

- **For example, will you foster labor-management partnership at the Department (by involving employees and their representatives as partners in identifying and resolving workplace issues; by providing training in consensual methods of dispute resolution; by negotiating with unions over subjects that management is allowed, but not required, to bargain over; by making use of labor-management committees or councils; etc.)? Or do you believe that other forms of labor-management arrangements would be preferable? Please explain.**
- **What specific steps have you taken, and what specific steps do you intend to take, to achieve the kind of labor-management relationships you want?**
- **What actions in your past executive experiences demonstrate your style and approach in the area of labor-management relations?**
- **How do you plan to evaluate and report on the bottom-line results achieved through the arrangements involving labor and management established at the Department?**

A: I respect the men and women that belong to unions. In fact, I was a union member and was able to go to college because of collective bargaining agreements. I cannot do my job with out the support of the hard working men and women of this new Department and I pledge to you that while we may not always agree on some decisions I make, our relationship will be one of respect and collegiality. To this end I will create a relationship with labor management that ensures the participation of employee representatives in the planning, development, and implementation of any human resources management system.

107. What do you believe should be the respective roles of career employees, as compared with political or other non-career appointees, in recommending and

establishing policies and in making major decisions at the Department? What specific steps have you taken, and what specific steps do you intend to take, to include career employees in recommending and establishing policy for the reorganization and transition over the coming months and in other aspects of Department policy and decision-making?

A: I would point out that the Transition Planning Office is currently populated with far more career employees, than political appointees, and their input has been invaluable to me, to the President, and to the country. However, the management structure of the department will mirror the rest of the government and the top decision makers and leadership of the various offices will be appointed by the President and when appropriate, appointed with the advice and consent of the Senate. I would expect all appointees within the department to promote the same teamwork atmosphere that I have promoted throughout my career and that the best decisions and the right answers will always surface to the top.

108. Section 842 of the HSA addresses the exercise of certain authorities for excluding employees from coverage under chapter 71 of title 5, United States Code, thereby depriving them of the right to be represented by a union.

- **Are you aware of any plans underway by the President to attempt to exercise these authorities?**
- **Do you know of any plans underway to recommend (or to decide whether to recommend) that the President or the Federal Labor Relations Authority exercise these authorities. Please explain.**
- **Under what circumstances might you recommend that Department employees be excluded from collective bargaining under those authorities? What efforts to resolve any problems with employees and their representatives will you undertake before you make any such recommendations?**

A: Section 842 of the HSA ensures that the President may waive the limitations placed on his existing national security authority should he determine that application of these limitations would have a substantial adverse impact on the ability of the Department to protect homeland security. I should note that under Section 842's express terms, the limitations do not apply to any portion of an agency or subdivision of an agency as to which recognition as an appropriate unit has never been conferred for purposes of chapter 71. While it is inappropriate for me, as an advisor to the President, to comment on any advice I may provide to the President with respect to this authority as such conversations are subject to executive privilege, I can reiterate the President's often publicly stated priority of protecting the Nation from terrorist attack. The Department of Homeland Security's mission is critical to this effort. Given the President's clear statements on this

matter, I am confident that if he believes it necessary to exercise the waiver authority Congress provided in order to protect the homeland, he would do so.

Information Technology

109. The new Department will be combining agencies that have very different information technology systems, including decades-old legacy systems. What steps will you take to ensure that the Department's information systems are compatible, and fully interoperable? What specific plans are there to upgrade the agencies' IT systems once the Department has been established? How quickly will this be accomplished?

A: The Department's CIO, working with the CIOs from the incoming agencies, will create a plan within 120 days following March 1, 2003, to address integration and interoperability of the department's information systems. Based upon the priorities and mission objectives set by each Undersecretary of the new department, and approved by the Secretary and the Deputy Secretary, the CIO plan will identify and prioritize opportunities for integration and interoperability across mission critical systems, department-wide systems, and information technology infrastructure.

110. How will information security be built into the Department's IT systems? Are there plans to ensure that commercial off-the-shelf software purchased by the Department includes adequate information security?

A: Senior IT security representatives from all the agencies transferring to the new department, and that have organic IT security programs, have been tasked with, and are meeting regularly, to develop a comprehensive security program for the new department. The Department's CIO will designate a Chief Information Security Officer who will be accountable for this information security program in DHS. I am confident that this program will represent the best of all of the component agencies and, I believe, should address any concerns that you may have in that regard, including the appropriate use of commercial off-the-shelf applications.

As with any start-up of this magnitude I anticipate some changes will likely be in order; however, I believe we already have much of the core talent in the new department to design a world-class IT security program. My staff is also engaged with the Office of Management and Budget (OMB) to ensure that any new program we develop will be fully consistent with federal law, and specifically the requirements of the recently enacted Federal Information Security Management Act (FISMA). As each of you know, FISMA gives the Director of OMB significant oversight responsibilities for IT security and I intend to work closely with the Director and his staff to ensure that the new department becomes a model for world-class IT security at the federal level.

111. **Many agencies with a vital role in the homeland security mission will remain outside of the new Department. These include the FBI and CIA, the State Department, and state and local governments. It is essential in the war against terrorism that these agencies and others be able to share data and communicate with each other and with the new Department.**

- **What has been done thus far to ensure that the myriad agencies and levels of government involved in homeland security will be linked through an interoperable information system? What initiatives are planned for the future?**

- **Which office has taken the lead in that effort thus far, the Office of Homeland Security or the Office of Management and Budget? Which entity will take the lead in that effort in the future? How will IT homeland security responsibilities be divided?**

A: Funding was requested for pilot projects that will enable horizontal (federal) and vertical (state, local, tribal, private sector) integration across multiple levels of government and among the communities of practice (law enforcement, public safety, public health, fire, emergency medical) using commercial information technology that is not yet widely used across the federal agencies. It is unlikely, however, that all agencies and levels of government will be linked through a single, interoperable information system. Rather, it is planned that this linkage will occur through the "network of networks" outlined in the *National Strategy for Homeland Security*. Some state pilot projects connecting the states and federal agencies, among the members of the first responder communities are already underway. One example is a 14-state consortium led by the Florida Department of Law Enforcement with the Dept of Justice to share law enforcement sensitive information and introduce new analytical tools to the states.

It is anticipated the new Department will act as the lead federal agency, with policy direction from the Office of Homeland Security and the Office of Management and Budget. In addition, the Department of Homeland Security CIO will be tasked by the Secretary with ensuring and enabling IT policy and responsibilities related to homeland security.

112. **What role will the Department have in pursuing IT initiatives in the following areas, and what specific initiatives are foreseen in each?**

- **Developing and using geospatial information systems**

- **Ensuring the compatibility of communications systems, including communications devices used by first responders**

- **Using the Internet to ensure that the public remains informed**

- **Promoting improved cybersecurity in private and public sectors**

A: The Department of Homeland Security will play a lead role in IT initiatives and in promoting technology standards for each of the area listed. It is too early to identify specific initiatives, but examples of already known initiatives include Project Safecom for wireless communications technology for first responders; support of the National Map Project and participation in population of the National Spatial Data Initiative at USGS; and continued leveraging of the eGov initiatives, like Geospatial One-Stop and DisasterHelp.gov.

113. DHS' creation will bring together many different agency information technology systems and management approaches. DHS will need to establish key information management processes required by law, including a detailed architecture, an investment control process, and computer security plans.

- **What are the Department's most critical information technology challenges and the associated risks in addressing each?**

- **How should these risks be overcome?**

- **What priorities should be set for information technology development, enhancement, or maintenance?**

- **What actions are underway or planned to "harmonize" the intelligence systems of the agencies transferring to DHS to effectively provide timely, quality intelligence and information reporting within DHS and with other federal, state, and local agencies?**

A: The transition systems team has identified and begun addressing those information management and information technology processes required by law. They are also working to outline an information technology plan for the new department to address many of the issues raised. The details of this plan, however, have not been developed. Once the new leadership is confirmed, and the new CIO is appointed, this plan can be completed and shared.

114. Who is, or should be, responsible for developing a comprehensive enterprise architecture(s) to promote such interoperability and when should it be completed?

A: The Department's CIO will be responsible for developing the dept's enterprise architecture. Based on work begun on this architecture by an interagency working group

led by OHS, we estimate the architecture should be reasonably complete by the end of 2003.

115. **GAO has designated information security as a government wide high-risk area since 1997. How will DHS ensure that its critical information is adequately protected given that many transferring agencies come from departments that have significant information security challenges?**

A: The department CIO will designate a Chief Information Security Officer to oversee these efforts.

116. **DHS will need to ensure that any information databases and analytical tools are compatible with one another and with relevant databases and tools of other federal agencies. State and local authorities will turn to the new department to set standards for interoperability of equipment and data systems. Several communication networks are being proposed, including those to share intelligence information and to communicate with first responders. What should be the Department's plan in terms of leveraging existing networks to meet these requirements versus acquiring new networks?**

A: Based upon the analysis and work done to date by the Office of Homeland Security, we recommend leveraging existing networks so that communication can take place with first responders, state and local authorities, and the private sector. This approach will enable us to move faster, spend less money, and build upon very good work that already exists within the states and other agencies.

<u>Privacy</u>

117. **The Department of Homeland Security will have a privacy officer, whose statutory responsibilities will include assuring compliance with the Privacy Act and "assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information."**

- **If confirmed, how would you ensure that the Privacy Officer is able to perform these statutory functions?**
- **What level of budget and staff do you envision for this office?**
- **How would you ensure the independence of the Privacy Officer?**

A: I regard the mission of the privacy officer as an important once, and if confirmed I would work to ensure that the privacy officer succeeds in that mission. It is critical that the

officer have the mechanisms to ensure personal information contatined in the Privacy Act systems of records is handled in full compliance with fair information practices set out n the Privacy Act of 1974. In addition the privacy officer must be able to evaluate the legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Federal government. The President's budget for Fiscal Year 2004 has not yet been released and therefore would be premature to discuss at this time.

118. The development of data-mining initiatives by the FBI, TSA, and DARPA has raised concerns about privacy. Some also question the effectiveness of systems they consider likely to generate many "false positives".

- **What are the TSA's plans to develop and deploy the second generation Computer Assisted Passenger Prescreening System (CAPPS II)?**
- **Will CAPPS II be used for commercial aviation security only, or for other transportation contexts? Will it be put to non-transportation uses, such as aiding law enforcement?**
- **To what extent will individuals outside of government be given access to information generated by CAPPS II? Do you believe any restrictions should be placed on CAPPS II to protect personal privacy? If so, please describe these restrictions.**
- **How many "false positives" is CAPPS II expected to generate? What is an acceptable level of "false positives" for the system? How will individuals be able to correct mistakes about them generated by CAPPS II?**
- **Will the Total Information Awareness system being developed by DARPA be deployed by the Department? When is TIA likely to be operational?**
- **How many "false positives" is TIA expected to generate? What is an acceptable level of "false positives" for the system?**
- **Can TIA be fully deployed consistent with the Privacy Act? Does the Privacy Act prevent TIA from integrating information from many sources into a single system of records?**

A: The Transportation Security Administration has aggressively been pursuing completing the implementation of the CAPPS II program. This program will be designed to improve security and customer service. By definition, the CAPPS II system is designed to aid law enforcement and making the nation's airports and airlines safer for consumer travel. As I have stated before, personal privacy is of great concern to myself and will be protected under my leadership. As for questions surrounding the development and use of TIA,

however, I defer to the Department of Defense and DARPA.

Civil Rights Officer

119. Representatives of communities impacted by many of the programs that will be moved into the Department have expressed concern about the potential negative impact of the Department on civil rights and civil liberties. They argue that a Department whose reason for existence is maintaining the nation's security will be tempted to sacrifice civil rights and civil liberties in the pursuit of its security mission. They note that some of the agencies moving into the Department have poor records in this regard, citing studies finding patterns of racial profiling, among other things. To address these issues, an Officer for Civil Rights and Civil Liberties in the Department is charged with reviewing and assessing information alleging abuses of civil rights, civil liberties and racial and ethnic profiling by employees and officials of the Department and with reporting to Congress on its activities.

- Do you support the inclusion in the Department of an Officer for Civil Rights and Civil Liberties?
- What is your view of the role of this Officer?
- How will you integrate this Office into the Department's operations and activities?
- What authorities will you give this Officer to make sure that he can adequately discharge his statutory duty to "review and assess" abuse allegations?
- Will you direct the Department's constituent agencies and programs to cooperate with inquiries and actions by the Officer?
- To whom will this Officer report? What type of access will this Officer have to you and to the Deputy Secretary?
- How large a staff do you plan to give to this Office? How large a budget?
- Do you agree that respecting civil rights and civil liberties issues should be considered a Department-wide priority? If so, how do you intend to implement that view?
- Do you believe that racial profiling in any of the Department's programs is appropriate? Please explain.

- **What do you intend to do to ensure that Department programs and agencies do not engage in inappropriate racial profiling?**

A: From the earliest discussions of the creation of the Department, the Administration has placed a high priority on ensuring that our homeland security efforts are fully consistent with the traditional rights and liberties of American citizens. While I intend to make certain that all employees of the Department take care to respect the civil rights and civil liberties of our fellow citizens, appointing an officer for Civil Rights and Civil Liberties is a good way to maintain focus on this important set of concerns.

I view the role of this officer as one who will review and evaluate any and all allegations that employees and officials of the Department have violated civil rights or civil liberties. Additionally, this person should reach out to the public to ensure that affected citizens will know how to make such allegations or complaints. As such, I will, subject to the ultimate review and control of the Deputy Secretary and Secretary, direct the Departments constituent agencies and programs to cooperate with inquiries and actions by the Officer.

Clearly, respecting the civil rights and civil liberties is an important part of the job of the Department as it goes about strengthening our homeland security. Should I be confirmed by the Senate, I will use my tenure to look for opportunities to communicate this view internally, as well as meet with groups from outside the Department concerned about these issues.

Finally, with respect to the issue of racial profiling, I do not believe that treating citizens differently on the basis of race or ethnicity is appropriate, and I will ensure that the employees of the Department do not engage in any form of unlawful discrimination. I will make it clear that racial discrimination will not be tolerated, and I will pay close attention to any concerns expressed by the Officer for Civil Rights and Civil Liberties along these lines, as well as complaints or concerned raised by citizens or interest groups.

Immigration

120. **As head of OHS, did you establish benchmarks to determine whether the security of our borders was improving? If so, what were those benchmarks and what is the status of the related efforts to improve border security with respect to immigration?**

A: Security of our borders was one of the top concerns that we addressed in the first year of OHS. As we took immediate action to shore up security in some obvious areas of weakness such as improving the screening process for visa issuance, it was not until we developed the National Homeland Security Strategy that we had a comprehensive, prioritized plan against which we could benchmark. Our strategic goal for the borders is

twofold; improve border security while facilitating the unimpeded flow of legitimate commerce and people in and out of the United States. With this national goal in place, the various border agencies put in place supporting programs with benchmark measures to show progress. The OHS assisted in developing the border security programs and monitored the agencies' progress through their metrics. Some examples of the metrics that OHS followed are:

- The United States Customs Service set the goal of implementing their Container Security Initiative in the top twenty foreign container ports that shipped to the United States. They are already over half-way to their goal. As Customs works to complete agreements with the remaining top twenty ports, we expect the Container Security Initiative will be expanded to additional high-volume ports around the world.

- The National Security Entry Exit System (NSEERS) was put in place on September 11, 2002 to register visiting aliens with nationalities from higher threat countries. To date, over 40,000 individuals have been registered in NSEERS. Through this program, we have an improved understanding of who is entering and leaving our country.

Many of the benchmarks we are using to establish our immigration programs are set by Congress in five separate pieces of legislation. The Entry Exit System (EES) will use biometric identifiers and tamper-proof travel documents to assure the identities of certain individuals arriving at our borders. The Border Security Enhancement Act established some very tough goals to install an EES at our ports of entry – for example, deploying the system at air and sea ports by December 2003, at the 50 busiest land crossings by December 2004 and at all ports of entry by December 2005. The Office of Homeland Security has been working with INS and the State Department to meet those goals. The Department of Homeland Security will continue the aggressive analysis and development of the EES with the goal of establishing a safe, secure system for allowing individuals to enter our country and monitoring their status while they are here.

121. **The HSA splits INS into two separate components, an immigration enforcement bureau (Bureau of Border Security) and a citizenship bureau (Bureau of Citizenship and Immigration Services). The enforcement and service functions can cross over when aliens applying for benefits (for example, work authorization or permanent residency) are determined to have committed document fraud or another immigration violation.**

- **What should DHS do to ensure that the two bureaus work together seamlessly and share their databases so that both the enforcement and services functions can be carried out efficiently and effectively?**

- **What other coordination will be necessary between these two components?**

A: As prescribed by Section 475 of the Homeland Security Act, a Director of Shared Services will be responsible for the coordination of resources for the Bureau of Border Security and the Bureau of Citizenship and Immigration Services including information resources management, including computer databases and information technology, records and file management, and forms management. Given the nature of the mission of the two components, close cooperation at all levels will be required, especially between the Chief of Immigration Policy and the Chief of Policy and Strategy within the Bureau of Border Security.

122. **Issues of immigration services and enforcement cannot be decided without reference to the nation's overall goals and policies with respect to immigration. Who will set overall immigration policy in the new Department?**

A: The Secretary of Homeland Security will be the final arbiter with respect to policy decisions within the new Department.

123. **Under the HSA, DHS will be responsible for issuing regulations regarding visa issuance – including those that will continue to be issued by State Department personnel.**

- **What specific role should DHS have in establishing and overseeing the implementation of visa policy?**

- **How should DHS manage DHS and State Department coordination regarding implementation of visa policy so that border security is improved, such as ensuring there are no gaps between State and INS terrorist watch lists and databases?**

A: The Homeland Security Act would shift the legal authority to issue visas to foreign nationals from the Department of State to the new Department of Homeland Security. Currently, the Department of Justice, through the INS, as well as the Department of State, though Consular Affairs, share authority relating to the admittance of foreign nationals to United States. This proposal would unify the legal authority to control entry into the United States in a single cabinet department. The Department of State, working through U.S. embassies and consulates abroad, would continue to administer the visa application process.

124. **The Department of State processes several million visa applications annually and a number of consular posts have been overwhelmed by the volume of applicants. Moreover, the process has been vulnerable to fraud, weak controls, and differences of opinions and practices. A December 2002 report by the State Department**

Inspector General revealed numerous problems with the process for issuing non-immigrant visas, including inexperienced or inadequately trained personnel, a lack of consistent procedures and inadequate funding.

- **What is your assessment of the visa issuance process and where do you see the need for greatest change? As head of OHS, what steps did you take to address security concerns regarding the visa process? What should DHS do to improve this process?**

- **What role should DHS officers stationed in overseas posts play in the visa issuance process?**

A: Pursuant to Homeland Security Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall evaluate the performance of consular officers with respect to the processing and adjudication of applications for visas. Additionally, the HSA also provides the Secretary of Homeland Security with the ability to assign Department employees to each diplomatic and consular post. Their functions, as prescribed by the statue, include providing security advice and training relating to the adjudication of visa applications, reviewing any such applications, and conducting investigations with respect to the consular matters under the jurisdiction of the Secretary of Homeland Security. All of these matters will receive my full attention, and I will work with the Secretary of State on this important issue.

125. **The INS' implementation of the first wave of registration under its "special registration program" has been met by criticism from some (see, e.g. Washington Post editorial, Dec. 29, 2002). What is your view of the program and the implementation process thus far?**

A: I fully support the Administration's position on the "special registration program."

126. **The INS has been criticized for its inability to effectively enforce immigration laws and secure our borders as well as provide adequate services to those aliens who are entering or residing in the U.S. legally. Currently, there is an enormous backlog of applications for immigration benefits. In a Department devoted to securing the homeland, how will you ensure immigration services are improved and the backlog eliminated?**

A: The Homeland Security Act abolishes the INS, which has experienced great difficulty in reducing the backlog of applications for immigration benfits. Should I be confirmed as Secretary, I will place a high priority on addressing this issue. In fact, the Homeland Security Act authorizes the Department to implement "innovative pilot initiatives" aimed at eliminating the current backlog, and preventing it from happening in the future. The initiatives may include measures to increase personnel to focus on areas with the largest

potential for backlog, and streamlining paperwork. I look forward to reviewing any proposals that accomplishes this goal.

Federal Advisory Committee Act

127. **Section 871 of the Act grants the Secretary the authority to establish advisory committees and to exempt these committees from the Federal Advisory Committee Act (FACA). Will you use your authority to exempt DHS advisory committees from FACA, such as the Homeland Security Science and Technology Advisory Committee authorized under section 311 of the Act? What criteria will you use to determine whether you will exempt an advisory committee from FACA, and how would those criteria differentiate DHS advisory committees from those utilized by the Departments of Defense, Justice, and State, the National Security Agency and the National Security Council, which do not have authority to fully exempt advisory committees from those provisions?**

A: I have not made any decision to use the authority granted by Section 871. Indeed, I have not yet considered any particular instance in which such an exemption might be appropriate. Accordingly, it would be premature for me to attempt to identify facts or criteria that might militate in favor of an exemption. I would note, however, that I believe this authority should be used with care and only where it will further the critical security mission of the Department. If and when this becomes an issue, I will communicate appropriately with the Congress, so that Members may better understand the analysis.

Office of International Affairs

128. **During its deliberations on the Homeland Security Legislation, the Congress directed the establishment of an Office of International Affairs within the Office of the Secretary for Homeland Security. The duties of the director, who will be appointed by the Secretary, include promoting information and education exchange with foreign nations in order to promote the sharing of best homeland security practices and technologies, joint training of first responders, and exchange of expertise on terrorism prevention. Indeed, the Director can follow the example of our shared counterterrorism cooperation with Israel, the United Kingdom, Canada, Mexico and other countries, and expand such cooperation in the arena of homeland security. Furthermore, the Director should be able to identify and capitalize on areas where foreign countries may be able to make a distinct contribution to further U.S. security, such as Israel's expertise in airport, border, and port security.**

- **What are you expecting the International Affairs office to accomplish? Can you tell us anything about the missions you will charge it with?**

- **How much of a priority do you see for its work? How quickly do you intend to move to create the office and name its director? What experience and qualities will you look for when naming a director? Will you empower the director to initiate cooperative programs with our allies?**

A: A key component to the homeland security mission will be interaction between the new Department of Homeland Security and the international community. Should I be confirmed by the Senate, I look forward to swiftly appointing a director of this new office and charging him or her with setting up a robust office. Over the past year, I have met with countless officials from foreign countries to learn about their own struggle to cope with domestic terrorism. Indeed, many of my international counterparts have been dealing with these issues for decades, and have amassed a great body of knowledge on this topic. As more details are known about the exact structure and mission of the office, I will be happy to come back to the Committee and share those details with you.

Emergency Preparedness

129. **Section 403 of the HSA transfers the Office for Domestic Preparedness of the Department of Justice into the Department's Directorate of Border and Transportation Security. Pursuant to section 430, this Office will have primary responsibility for "the preparedness of the United States for acts of terrorism" including coordinating "training, exercises and equipment support" and "directing and supervising [federal] terrorism preparedness grant programs ... for all emergency response providers." The Federal Emergency Management Agency (FEMA), which will be housed in the Emergency Preparedness Directorate, will continue to have primary responsibility for non-terrorist-related disasters. In a letter to Senator Lieberman dated July 17, 2002, the National Emergency Management Association and the International Association of Emergency Managers, who represent the United States' state and local emergency managers in all fifty states and the District of Columbia, questioned whether training and preparedness for terrorist and non-terrorist events can be separated and still be fully effective. The Administration had initially proposed consolidating these efforts within FEMA. However, representatives of law enforcement and firefighters have urged that responsibility for their training and equipment grants be maintained in the Office for Domestic Preparedness, apart from FEMA. Given these conflicting expert views, how do you plan to ensure that these functions and related funding will be appropriately handled across two Directorates with separate funding and responsibilities?**

A: While the Administration advocated previously merging all of these activities under one directorate, the Homeland Security Act places each of these offices under the authority of

the Secretary of Homeland Security. If confirmed, I will ensure that the Emergency Response and Recovery Directorate and the Border and Transportation Security Directorate work as cooperatively as possible to meet the goal of funding activities that would prepare our nation's first responders.

130. What will be the staffing and funding levels for the Office of Domestic Preparedness?

A: The President will submit his Fiscal Year 2004 budget in February, and I will be happy to share that information with you at that time.

Bioterror Preparedness

131. The Defense Science Board estimated that the U.S. has only one of the fifty-seven diagnostics, vaccines, and therapeutics it needs to respond to a bioterror attack. This assessment only applies to our preparedness for the top 19 bioterror threats; we are even less prepared to respond to the other possible threats. What plan do you have that will ensure that appropriate countermeasures are developed?

A: Unfortunately, the threat of a biological attack is a situation for which the United States must prepare. Using funds provided from the Fiscal Year 2002 Supplemental, some states have made some great strides in their preparedness activities. Progress, however, is inconsistent, which is why in June of this year, the President signed the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 Act to further the progress of states. Since that time, we have been working with the Department of Health and Human Services to implement this important law.

Additionally, the President's budget for Fiscal Year 2003 identified this as one of four priority areas, and proposed increasing, by $4.5 billion to $5.9 billion total, spending on programs that counter the threat of biological terrorism, including improving disease surveillance and response systems, increasing the capacity of public health systems to handle outbreaks of contagious disease, and spurring the development of appropriate countermeasures. Congress has yet to appropriate funding for these requirements.

132. The Defense Science Board assessment of our readiness to deal with the top 19 bioterror threats does not focus on our readiness to deal with more exotic bioterror and chemical terror agents and toxins. For example, it is reported that the Soviet Union developed a plague/diphtheria hybrid, antibiotic strains of plague and anthrax, and a powdered form of Marburg (a hemorrhagic fever). Some believe it developed hemorrhagic smallpox as a weapon with respect to which the current smallpox vaccine would not provide adequate protection. In addition, the Soviets were working on bioregulators and biomodulators, antibiotic-induced toxins, immune mimicry, and other diabolical weapons. What plan do you have that will

ensure that we develop appropriate countermeasures to these agents and toxins?

A: The President has proposed a National Biological Weapons Analysis Center, which will be incorporated into the Department of Homeland Security to address some of these issues and conduct risk assessments. In consultation with the Department of Health and Human Services, the Department of Homeland Security would leverage the expertise of America's cutting-edge medical and biotechnological infrastructure to advance the state of knowledge in infectious disease prevention and treatment, forensic epidemiology, and microbial forensics. Substantial research into relevant medical sciences is necessary to better detect, diagnose, and treat the consequences of chemical, biological, radiological, or nuclear attacks.

The President has proposed a National Biological Weapons Analysis Center in the Department of Homeland Security to address some of these issues and conduct risk assessments. This Center, with input from the public health sector, will identify the highest priority threat agents to determine which countermeasures require priority research and development.

The federal government will also consider and address the potential impact of genetic engineering on the biological threat. The Food and Drug Administration (FDA) ensures the availability of medical products (drugs, vaccines, and devices) in the event of the intentional use of chemical, biological, radiological, or nuclear agents. Recently, the FDA adjusted its new drug and biological product regulations so that certain human drugs designed for emergency responses can be quickly introduced based on animal rather than human tests.

133. **Senators Hatch and Lieberman have introduced legislation, S. 3148, which would provide incentives for the biotechnology and pharmaceutical industries to launch major research programs to develop countermeasures to biological, chemical and radiological agents, toxins and materials. Some believe that the biopharma sector has little or no incentive to engage in this research because there is either no established market or only a government market -- and it's not clear from the industry's point of view which of these possibilities is worse. Some argue that the industry is under considerable economic pressure. Others argue that the experience of Bayer with regard to Cipro -- when its price was challenged and threats were made against its patent -- is not a confidence builder for the industry.**

- **Do you believe there is a need to enact incentives to engage the biotechnology and pharmaceutical sector in developing countermeasures?**

- **What specific comments do you have about the incentives that Senators Lieberman and Hatch have proposed?**

A: In many cases, our medical countermeasures cannot address all possible biological agents or may not be suitable for use by the general population. As part of the *National Strategy for Homeland* Security, the President presented a thorough agenda in this arena, including charging the Departments of Health and Human Services and Homeland Security, and other government and private research entities, to pursue new defenses that will increase efficacy while reducing side effects. For example, it is vitally important to explore the utility of attenuated smallpox vaccines and of existing antivirals modified to render those vaccines more effective and safe. Furthermore, the federal government, in collaboration with the private sector, will research and work toward development of broad spectrum antivirals to meet the threat of engineered pathogens aimed at both humans and livestock.

President's budget for Fiscal Year 2003 identified this as one of four priority areas, and proposed increasing, by $4.5 billion to $5.9 billion total, spending on programs that counter the threat of biological terrorism, including spurring the development of appropriate countermeasures.

Short-and long-term efforts will expand the inventory of diagnostics, vaccines, and other therapies such as antimicrobials and antidotes that can mitigate the consequences of a chemical, biological, radiological, or nuclear attack. Development of safer smallpox vaccines and antiviral drugs will lower the risk of adverse reactions experienced with the traditional vaccine. The goal of protecting a diverse population of all ages and health conditions requires a coordinated national effort with a comprehensive research and development strategy and investment plans.

Relations with Congress

134. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

A: Yes, consistent with the constitutional prerogatives of the Congress and the Executive Branch, I agree if confirmed to respond to any reasonable request to appear and testify before any duly constituted committee of the Congress.

135. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

A: Yes, consistent with the constitutional prerogatives of the Congress and the Executive Branch, I agree if confirmed to reply to any reasonable request for information from any duly constituted committee of the Congress.

Assistance

136. Are these answers your own? Have you consulted with other federal agencies, or any interested parties? If so, please indicate which entities.

A: Yes, these are my answers, and I take responsibility for them. That said, as it is obvious due to the length, detail, and deadline requested by the questionnaire, naturally an extensive draft was prepared by staff that no doubt included material developed in part via discussions with Senators and Representatives, their staffs, federal experts and others whose voices, ideas and expertise helped contribute to the development of the *National Strategy for Homeland Security* in July and virtually every important policy matter relating therein.

Although I have had no consultations outside of staff regarding these answers, it is well known that throughout the months since October 2001, I have shared discussions on homeland security issues with hundreds or perhaps thousands of individuals and entities both inside and outside federal, state and local government. Although such shared discussions with those outside of staff did not include consultations about these answers, I have no doubt that a number of lessons learned from such diverse discussions are reflected in these responses in a more general way.

ADDITIONAL QUESTION FOR GOVERNOR TOM RIDGE'S CONFIRMATION HEARING BEFORE THE SENATE GOVERNMENTAL AFFAIRS COMMITTEE SENATOR CARL LEVIN

Relationship with the Counter Terrorist Center (CTC)

According to the Congressional Research Service, the number of experienced and trained intelligence analysts "tends to be in short supply."

Do you envision the new Department duplicating the current functions of the CTC?

If so, do you think there are sufficient analysts to adequately staff both the CTC and DHS?

Would it be useful for the law to specify that the CTC has primary responsibility for the analysis of foreign intelligence relating to international terrorism?

A: We view the missions of CTC and DHS as generally complementary, not competitive. DHS' primary analytical focus will be on mapping threats to the homeland against vulnerabilities, a function not performed elsewhere. CTC, on the other hand, has a broader analytical focus: global plans, intentions, and capabilities of international terrorist organizations, along with analysis to support specific foreign intelligence operations. To the extent that these analytical missions overlap and result in some "competitive" analysis, we believe that such competition is healthy, but it is not the primary mission of DHS.

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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

January 9, 2003

The Honorable Governor Thomas Ridge
Office of Homeland Security
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20502

In re: Nomination to be Secretary of the Department of Homeland Security

Dear Governor Ridge:

I appreciate your submission in response to the Committee's prehearing questionnaire. I am disappointed, however, that you have declined to answer a number of questions contained in that questionnaire. In addition, in a number of places you responded to budgeting and staffing questions by asking the Committee to wait until the President releases his 2004 budget in February. The questions, however, refer to FY 2003 staffing and budget for newly created offices in the Department – in other words, the staffing and budgets you intend to put in place as the Department is formed starting January 24, 2003. I appreciate that, like any policy, your staffing and budgeting priorities may still be taking shape, but would appreciate answers to those questions to the best of your ability now.

The Committee's prehearing questionnaire and nominees' responses to it have long been a part of the Committee's efforts to obtain information from nominees about their views and positions in order to enable the Committee to appropriately discharge its duties to consider nominations. I would therefore greatly appreciate your providing the Committee with responses to all of the questions that were asked. A list of the unanswered questions is attached; where appropriate, an explanation has been included of the requested information that was omitted. I would also appreciate clarification of your answers to Question 134 and 135. For many years, the Committee has asked all nominees whether they "agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress"and if they "agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress" if they are confirmed. All of this Administration's previous nominees – following the practice of past Administrations – answered these questions with an unqualified "yes." Your responses, however, include a qualification. I would appreciate your explaining whether you intend to impose greater limitations on Congressional oversight than other agency heads and your describing any limitations on your willingness to appear in response to a reasonable summons by, or reply to a reasonable request for information from, a duly constituted committee of Congress.

So that we can have a fully informed hearing on Tuesday, January 14, 2003 and move your nomination in a timely manner, I would appreciate your answers to these questions by Monday, January 13, 2003 at 9:00 a.m. Should you have any questions, please feel free to contact Jennifer Hamilton on my Committee staff at (202) 224-9432.

Sincerely,

Joseph I. Lieberman
Chairman

Responses to January 9, 2002 Letter from Senator Lieberman

8. **On November 25, 2002, the Administration released a "Department of Homeland Security Reorganization Plan." The Plan as issued contains relatively few details about the reorganization, such as what changes will occur when agencies are "transferred" into the new Department or what the Department is doing to set up new systems and consolidate existing systems for finances and other needs. However, the Plan also notes that it is "subject to modification," that "additional details concerning the process for establishing the Department will become available" and that "the President will work closely with Congress to modify this plan consistent with the Act." Will the Administration have a more detailed plan prepared and will that plan be provided to Congress? If so, when will that occur and what will be covered in the revised version?**

A: We are preparing a more detailed reorganization plan for the President to deliver to Congress in the very near future. Given that its contents are still under review, discussion of the substance of the plan would be inappropriate.

13. **We understand that decisions on where the new Department's central headquarters will be physically located and what DHS components will be housed there are underway.**

- **What criteria do you believe should be used in making these decisions?**

  A: The top criteria we submitted in the prospectus were security and availability.

- **What options are currently under discussion, and what are their strengths and weaknesses?**

  A: Due to long standing GSA procedures with respect to the procurement of office space, public speculation on the strengths and weaknesses of each of the submitted proposals would be inappropriate.

- **Recently, there has been some dispute as to whether or not the new headquarters should be located in the District of Columbia or in one of the surrounding suburbs. Are there any statutory or regulatory restrictions to where the headquarters may be located in the National Capital area?**

A: According to the most recent Continuing Resolution passed by both the House and the Senate, GSA was granted the authority to review proposals from the entire National Capital area. In fact, the law reads, "for purposes of section 3307(a) of title 40, United States Code, the prospectus of General Services Administration

entitled `Prospectus--Lease, Department of Homeland Security, Washington, DC Metropolitan Area', prospectus number PDC-08W03, as submitted on December 24, 2002, is deemed approved by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the date of enactment of this Act."

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14. **A recent Council of Foreign Relations task force, co-chaired by former Sens. Gary Hart and Warren Rudman, warned that "america remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil."**

- **What is your assessment of the federal government's current efforts to protect the country against terrorism? Specifically, how do you assess progress since September 11, 2001, in protecting water supplies (including reservoirs and dams), food supplies, nuclear plants, chemical plants, energy systems, ports, air travel, railroads, mass transit, bridges and tunnels, cyber systems and other critical infrastructure?**

A: I do not think it is appropriate to discuss in an open forum the relative strengths and weaknesses of each area that is considered "critical infrastructure" to our nation. I would suggest that much progress has been made in many areas, but much more needs to be done. The *National Strategy for Homeland Security* provides a roadmap for protecting many of the areas you enumerate in your question. Moreover, strategies for both physical infrastructure and cyber security will be released in the near future. One of the ways in which I believe the new Department of Homeland Security may force change in this area is through the new Intelligence Analysis and Infrastructure Protection unit. We will have the capacity to assess intelligence from different sources, map those threats against our current vulnerabilities, and provide that information to the relevant sectors of our nation so that preemption action can be taken.

- **As head of the Office of Homeland Security (OHS), did you establish benchmarks to measure such efforts to secure homeland assets? If so, please be specific about these measurements and how they changed during your tenure at OHS.**

A: As Assistant to the President for Homeland Security, I have worked closely with the Cabinet secretaries and agency heads to coordinate activity across and between their respective areas of responsibility. The President's National Strategy for Homeland Security charges each department and agency with creating benchmarks and other performance measures to evaluate progress and allocate future resources, and the departments and agencies have each worked to refine or establish these

measures in order to ensure effective implementation of their programs. Many benchmarks (for example, standards for the security of nuclear power plants) existed prior to the September 11 attacks but have been substantially updated. The Administration has developed and implemented many others (for example, requiring electronic manifests for all cargo 24 hours prior to departing the port of lading) since the attacks.

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20. **The HSA requires the establishment of an Office of State and Local Government Coordination, in the office of the Secretary, to oversee and coordinate departmental programs and relationships with State and local governments. Among other things, this office is being established to assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism. The office will also be responsible for providing State and local governments with regular information, research and technical support to assist then in securing the homeland. What are the Administration's plans for staffing this office? What will be its budget?**

A: Given that we are still in the process of finalizing the staffing and budget requirements of the Office of State and Local Government Coordination, I cannot provide an estimate at this time for this function. On many occasions, you and I have both discussed the importance of this office, and we share the view that this office should be a robust operation. When final numbers are available, I will be happy to provide them to the Committee.

23. **Certain States and localities have complained that funding for homeland security has not been forthcoming. One problem is that funds previously appropriated by Congress take considerable time before they are distributed to local communities. For example, according to a report from OMB (dated Dec. 2), which was required by Congress, as of September 30, 2002 FEMA had obligated only $33 million out of some $214 million in budget authority for states for emergency management planning and assistance. These funds were included in the $40 billion for homeland security appropriated by Congress immediately after September 11.**

- **What initiatives are underway within the Administration to speed up the delivery of already appropriated funds to local first responders? Will the Office of State and Local Government address this problem?**

A: I agree that we should be moving resources out of the federal government to the states and local governments as soon as possible. Some of the existing problems could have to do with systems or even delays resulting from the complicated formulas that are required. I believe that the Office of State and Local Government will have a key role in prospectively addressing this issue.

28. **The Hart-Rudman report concludes that "650,000 local and state police officials continue to operate in a virtual intelligence vacuum." It further stated: "when it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb and blind." The HSA requires the President to establish procedures under which relevant Federal agencies will share homeland security information with other Federal agencies, and appropriate State and local personnel.**

- **What steps has the Administration taken thus far to develop these information sharing procedures?**

A: The Office of Management and Budget in coordination with the Office of Homeland Security has developed draft guidance for develop procedures for sharing sensitive homeland security with other Federal agencies and appropriate State and local personnel. When finalized, this guidance will be published in the Federal Register for public comment.

In addition, the Homeland Security Advisory System (HSAS) provides a comprehensive framework to disseminate information regarding the risk of terrorist attacks to Federal, State and local authorities and the American people. Many State and local entities, for example Utah, Virginia, and Illinois, have implemented there own version of the HSAS tailored to their specific needs. In mid- February 2003, OHS and the FBI will conduct formal training on the HSAS with State Homeland Security Advisors and law enforcement organizations (Fraternal Order of Police, International Association of Chiefs of Police) to assist them in understanding the system and provide information on the development of protective measures for each threat condition.

Moreover, according to Section 201 of the Homeland Security Act, the Department of Homeland Security will be responsible for reviewing, analyzing, and making recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and between the Federal Government and State and local government agencies and authorities.

In addition, the Department will be responsible for the dissemination, as appropriate, of information analyzed by the Department, to agencies of State and local governments and private sector entities with such responsibilities so that all levels of government can assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.

- **What will be the Department's role in developing the procedures**

required by the HSA?

As I answered previously, the Homeland Security Act requires the Department of Homeland Security to review, analyze, and making recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and between the Federal Government and State and local government agencies and authorities.

- **Do you agree with the assessment in the Hart-Rudman report and the complaints of local law enforcement that they are often not informed about terrorism investigations in their jurisdictions? As head of OHS, what actions did you take to address these concerns? How can the Department help address this problem?**

A: I believe that many improvements have been made with respect to providing information to local state and law enforcement, but like the Hart-Rudman reports points out, much more can be accomplished. As I mentioned in the first bullet point, we have been working with state and local law enforcement since the Office of Homeland Security was established. Should I be confirmed, we will continue to reach out and coordinate with law enforcement organizations to remedy this situation.

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35. **As Director of the OHS, you certified federal budgets for homeland security.**

- **What were the overall strengths and weaknesses of the budgets that were certified?**

A: I certified that the President's Fiscal Year 2003 budget had sums that were necessary and appropriate for the homeland security-related activities of the executive branch.

- **What were the "lessons learned" for DHS budget activities that could be applied?**

A: I found that by having an open dialogue with my counterparts across the federal government, I was able to work with them to ensure that important homeland security priorities were reflected in the federal budget. This is especially important when programs or missions are cross pollinated across the government.

36. **Please provide a preliminary budget allocation and flow chart for the Department which clearly identifies reporting arrangements and authorities,**

including, to the extent they exist, those for the unspecified assistant secretaries.

A: In separate legislation, the Congress provided the Administration with authority to transfer funds in order to initiate operations in the new Department. Therefore, in accordance with provisions of Public Law 107-294, making further continuing appropriations for FY 2003, a request was made to transfer $125 million from unobligated balances of appropriations enacted prior to October 1, 2002 for organizations that will be transferred to the new Department of Homeland Security. The funds will be deposited into a new account in the Office of Management and Budget and used for salaries and expenses associated with the initiation of the new Department. After the Department becomes effective, the account will be made available to the Department.

37. **Sections 103(d) and 702 of the HSA create the position of Chief Financial Officer in the new Department and specify to whom this person will report, but the Act does not add the new Department to the list of agencies covered by the Chief Financial Officers Act of 1990. As a result, the Department is not subject to statutory requirements that apply to the other major departments and agencies in the Executive Branch, such as to set up and maintain financial management systems within the Department that meet the standards established by the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note), and the Chief Financial Officer of the Department will not have the responsibilities and authorities provided under the Chief Financial Officers Act (see e.g. 31 U.S.C. 902).**

- **Will the Department prepare an annual audited financial statement in accordance with the Accountability of Tax Dollars Act of 2002 (Pub. L. No. 107-289)? Will this financial statement be prepared by the Department's Inspector General or another independent auditor selected by the Inspector General?**

A: I have not had the opportunity to discuss this topic with the President's nominee for Inspector General. Should he and I both be confirmed, I will make sure that we take this issue under advisement.

- **Will the Department accord the Chief Financial Officer the same authorities and responsibilities provided under the Chief Financial Officers Act of 1990?**

A: I have not had the opportunity to discuss this topic with the President's nominee for the Under Secretary for Management. Should she and I both be confirmed, I will make sure that we take this issue under advisement.

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46. **Inspectors General traditionally have maintained a high degree of autonomy**

from the heads of their agencies. For example, agency heads in only some agencies may stop IG investigations and they may do so only in very narrow circumstances. Moreover, if an agency head takes such an action, governing statutes empower the IG to report directly to Congress about the incident. The Committee's informal survey of existing IG offices, including those in agencies with law enforcement and national security missions, indicates that agency heads have rarely, if ever, invoked their authority to stop an IG investigation. The Administration's original proposal for a Homeland Security Department would have granted the Secretary broader authority over the IG than that given to other agency heads.

- **What is your view of the role of the DHS' IG?**

A: The function of the Inspector General is especially important in a Department of this size and scope. I view this position as a critical piece to the success of the new Department and plan to work closely and cooperatively with the new Inspector General, should the President's nominee be confirmed.

- **The statute provides the DHS IG with a comparable level of autonomy as is currently exercised by the IG at other agencies, such as the Departments of Justice, Defense and State? Do you agree this is appropriate?**

A: I believe it is appropriate that the Inspector General should enjoy the degree of autonomy afforded by the HSA, which is similar to the level of autonomy currently exercised in certain other agencies.

- **How and to what extent do you intend to supervise the work of the IG's office, and what type of reporting relationship do you intend to establish with the IG? Do you intend to delegate supervision of the IG? If so, to whom? Do you plan to require the IG to report to you prior to opening investigations or audits or provide you with specific updates on existing investigations and audits?**

A: The Inspector General will report to the Secretary, which is much like the structure of other agencies. I believe that a close, cooperative, and open relationship with the Inspector General is extremely important to the success of the Department of Homeland Security.

- **Do you believe that there are any topics or types of investigations or audits that should be off-limits to the IG?**

A: I am not aware at the present time of any specific topics or types of investigations that would be off-limits to the Inspector General, but in a new Department, particularly one that has the responsibilities of DHS, it is

difficult to foresee all possible circumstances that might affect the Inspector General's activities in the future..

- **Do you commit to respecting the traditional independence of the IG office?**

A: Consistent with the terms of the HSA, I intend to respect the Inspector General's traditional independence.

- **Do you plan to allow the IG office to communicate freely with Congress, without supervision from elsewhere in the Department? Please explain?**

A: Consistent with statutory and constitutional authorities, yes.

- **What budget do you intend to provide for the Office of the IG? How many staff do you assume it will have?**

A: Staffing and budget plans will be released at the time the President's FY 2004 budget is released in February, and will be happy to discuss those plans with you at that time.

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47. **According to a December 6, 2002 article in The Washington Post entitled "homeland Security Won't Have Diet of Raw Intelligence, " the Administration is in the process of drafting guidelines to determine how the new intelligence directorate in the Department of Homeland Security will access intelligence collected by other Federal agencies. Among other things, The Post reported that: (1) for now, the intelligence agencies have persuaded the White House that information provided to the Department should be in the form of summary reports which generally will not include raw intelligence; (2) according to "administration officials," the new department will receive undigested intelligence only when Governor Ridge makes the case for it under yet undefined procedures; and (3) a number of officials at the FBI, CIA, and NSA have "deep misgivings" about distributing raw intelligence too widely, especially to a new and untested department. These comments, if true, raise concerns about the Administration's plans for implementing key provisions of the HSA, which states that "except as otherwise directed by the President, the Secretary shall have such access as the Secretary considers necessary to all information, including reports, assessments, analyses, and unevaluated intelligence relating to threats of terrorism against the United States."**

- **What is your view of the primary issues discussed in The Post story and how is the Administration responding to these issues?**

A: I do not think it is appropriate for me to respond directly to a Washington Post article that uses unidentified "administration sources" as its basis.

In the last year, however, I have had the opportunity to personally work with the Director of the FBI and the Director of the CIA, both of whom have shown a great willingness to provide information and assistance to me and my staff. As the Department of Homeland Security's Intelligence Analysis and Infrastructure Protection unit is created, and as MOUs, Executive Orders, and other official documents that implement the HSA are developed, I believe that the Department of Homeland Security will receive the information necessary to assess threats against America, map them against our current vulnerabilities, and act to reduce our vulnerabilities to terrorist attack.

- **Has the President decided whether he will provide the DHS access to unevaluated intelligence?**

A: It is not appropriate for me to discuss Presidential decisions.

- **What is your view as to the need for DHS access to unevaluated intelligence and how do you envision DHS would go about obtaining and reviewing such information?**

A: I believe that, as provided for in Section 202 of the Homeland Security Act, the Department of Homeland Security will have access to all the reports, assessments, and analytical information relating to terrorist threats. In addition, and as directed by the HSA, the Secretary will, except as otherwise directed by the President, have such access as the Secretary considers necessary to all information, including reports, assessments, analyses, and unevaluated intelligence relating to threats of terrorism against the United States. The method by which DHS will go about obtaining this information will be executed through MOUs, Executive Orders, and other official documents that implement the HSA.

53. **The Secretary is required to provide the directorate of information analysis and infrastructure protection with a staff of analysts having appropriate expertise and experience. This may include deploying private sector analysts, as well as analysts who are detailed, via cooperative agreements, to the Department from the Central Intelligence Agency, the Federal Bureau of Investigation, and other intelligence agencies.**

- **How do you plan to ensure that the Department is staffed with the cadre of skilled, experienced analysts, with the appropriate clearances, it needs to be effective?**

A: We are working with the FBI and the intelligence community to arrange for the detailing of analysts to the Department. In addition, we will seek to hire individuals from the private sector with applicable analytical skills. We will also make training of these personnel a high priority, as they will be responsible for building this new analytic capacity.

- **What is your initial assessment of the number of analysts that the Department will require and the associated budget requirements?**

A: The appropriate number of analysts is currently under review. When we have reached final agreement on the appropriate number of analysts and the associated budget costs, I will be more than happy to share that information with you.

54. **The Information Analysis and Infrastructure Protection Directorate has an array of critical missions: it is responsible for analyzing all intelligence information involving terrorist threats to the United States, evaluating critical infrastructure for vulnerabilities to terrorism, assessing threats to such infrastructure, and acting to prevent potential terrorism. It also is responsible for informing local law enforcement authorities of specific threats of terrorism, for communicating information to the general public about threats, and for setting the national threat warning.**

- **What should be immediate, specific policy and operational priorities in setting up this Directorate? What are the major management challenges in integrating the transferred agencies, programs, or functions that will make up this directorate, and coordinating them with other involved key federal agencies?**

A: The Department's missions are aimed at achieving the same goal: making the homeland safer. Creating a brand new unit from "whole cloth" presents both operational and policy challenges. Clearly, we are working through these issues in order to stand up a unit that will be able to receive the information necessary to assess threats against America, map them against our current vulnerabilities, and act to reduce our vulnerabilities to terrorist attack.

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68. **During congressional deliberations, concerns were expressed that legislation like the CIIA might have the effect of bringing under a veil of secrecy some information that would otherwise be publicly available, such as information related to environmental, health and safety risks and regulatory compliance, thereby inappropriately compromising the public's right to know. For example, anxiety was expressed that a non-Federal submitter might first "voluntarily" submit information to a critical infrastructure protection program, and then submit the same information (perhaps bearing the same**

express statement that the information is voluntarily submitted) to another program or agency for an unrelated purpose – perhaps to satisfy a requirement or to gain some permission or forbearance under an environmental regulatory program. Concerns were also expressed that such legislation would create vital new programs for protecting critical infrastructure that are largely removed from the ability of the news media and private stakeholders and watchdog organizations to scrutinize and evaluate, and that are therefore lacking in the kind of accountability necessary to assure that infrastructure security is actually enhanced and problems are not simply ignored. Furthermore, concerns were expressed that oversight of infrastructure that is now conducted by regulatory agencies could be shifted to "voluntary" programs at DHS and thereby removed from the public accountability that regulatory programs are intended to foster.

- **Do you believe there is validity to such concerns, and, if so, how will you address them?**

A: The purpose of the Act is to encourage sharing sensitive information with the Government that, absent protection, would not be shared, and to encourage this sharing in order for the Government then to use the information for the public's benefit.

The public's right-to-know is not impacted where, absent protection from unrestricted disclosure, the information would not have been shared with the Government. In those instances, the information still would be unavailable to the public through FOIA. So, with or without the Act, the information would be unavailable through a FOIA request. With the Act, however, we hope that the information will be shared with the Government for the public's ultimate benefit.

In fact, one of the measures of success of the CIIA will be evaluating the quality of the information shared with the Government owing to the CIIA protections and, in turn, the Government's dissemination of that information to the general public to help prevent physical or computer-based attacks against us. In such cases, CIIA success means getting more information to the public rather than less.

Also, the CIIA only applies to voluntarily submitted information. Information that must be provided to the Government is not subject to CIIA protection. Similarly, submissions to the Government under the CIIA do not constitute compliance with any requirement to submit such information to a Federal agency under any other provision of law.

Finally, the CIIA does not apply to information independently obtained.

72. **Numerous observers have stressed the importance – and vulnerability – of our nation's ports, particularly the huge volume of container traffic. However, it is questionable how much improvement has been made in this area since the Sept. 11 attacks. As the new Hart-Rudman task force reports, "only the tiniest percentage of containers, ships, trucks and trains that enter the United States each day are subject to examination – and weapons of mass destruction could well be hidden among this cargo. Should the maritime or surface elements of America's global transportation system be used as a weapons delivery device, the response right now would almost certainly be to shut the system down at an enormous cost to the economies of the United States and its trade partners."**

- **How do you assess the priority of creating more secure entry points for international goods?**

A: Security of our nation's ports is among our highest priorities, given that our domestic transportation systems are intertwined inextricably with the global transport infrastructure. Virtually every community in America is connected to the global transportation network. This efficient and reliable transportation system allows for reduced costs and enhances economic growth. We need to make sure that our heightened security does not interfere with legitimate trade.

- **What did you do as Director of OHS to advance such security?**

A: As Assistant to the President for Homeland Security, I coordinated with the Secretary of the Treasury and the United States Customs Commissioner, as well as other federal government agencies to ensure that programs such as the Container Security Initiative, the Free and Secure Trade (FAST) program, and the Customs-Trade Partnership Against Terrorism, as well as similar programs that enhanced our risk management capabilities were supported.

- **How will you balance the need to maintain economic security with any plans to create more secure entry points for international goods?**

A: Better risk management and more efficient screening of goods are the primary keys to maintaining economic security while creating more secure entry points for international goods. Better risk management enables us to identify high-risk goods more quickly and accurately. We can then focus our resources where they are most needed – on those high-risk goods – while facilitating the low-risk goods through the ports of entry and into the stream of commerce. More efficient screening of goods enables us to further eliminate unnecessary delays for no-risk goods. A fundamental element of improving our risk management capabilities is making sure we

have better information about goods, and that we have that information far enough in advance so that we are able to use it most effectively.

- **The Washington Post reported on Dec. 24, 2002, that there are questions regarding the Administration's plans to fund new initiatives to screen more container traffic offshore or in its originating port. What is the planned funding for these efforts? Do you support the planned funding levels?**

A: The Container Security Initiative (CSI), which was referred to in a recent Washington Post article, was launched by the Customs Service just about one year ago, after the President had finalized and submitted the Fiscal Year 2003 Budget. Since then, the program has grown rapidly and beyond anyone's expectations. The initial goal was to implement CSI in countries with the largest 20 seaports, which account for almost 70% of all sea container traffic destined for the United States. Today, agreements are in place that cover 16 of these seaports, and CSI continues to expand rapidly to other strategically important seaports. Although the timing of the launch of the CSI precluded the program from being explicitly included in the President's FY '03 Budget, the Administration has been able to initiate the program with available funds and will work to ensure that it is adequately funded in for the balance of the fiscal year.

Better risk management and more efficient screening of goods are the primary keys to maintaining economic security while creating more secure entry points for international goods. Better risk management enables us to identify high-risk goods more quickly and accurately. We can then focus our resources where they are most needed – on those high-risk goods – while facilitating the low-risk goods through the ports of entry and into the stream of commerce. More efficient screening of goods enables us to further eliminate unnecessary delays for no-risk goods. A fundamental element of improving our risk management capabilities is making sure we have better information about goods, and that we have that information far enough in advance so that we are able to use it most effectively.

83. **In creating the Department, there was an opportunity to address rail security explicitly. Senators Hollings, McCain and others worked within the Commerce Committee to produce a bipartisan rail security bill to protect Amtrak and our vital rail infrastructure from attack or sabotage. This bill, S.1550, was supported by the Bush Administration and reported unanimously out of the Committee. Sen. Carper followed this work with a rail security amendment that authorized $1.2 billion through the Secretary of Homeland Security for critical security and safety needs across Amtrak's national network, and that was added to the Lieberman Substitute to H.R. 5005, the Homeland Security bill. This provision was not included in the**

final version of the Homeland Security bill. Have you reviewed either of these proposals and do you have an opinion on them?

A: The Railroad Advancement and Infrastructure Law for the 21st Century (S. 1530) and the Rail Security Act (S. 1550) authorize funding for Amtrak for system-wide security upgrades and other improvements. Although these bills expired with the close of the 107th Congress, similar legislation is likely to be introduced in the next Congress.

The Department of Homeland looks forward to working with all Members of Congress, including those particularly concerned with rail safety like Senator Carper, to support legitimate security enhancements such as better fencing, enhanced lighting, video surveillance for stations, bridges, and tunnels, and implementing measures to screen passengers and baggage for dangerous weapons and explosives.

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96. **Several sections of the HSA require the Secretary and the Director of the Office of Personnel Management to act jointly with respect to human resources management at the DHS. (Sections 841, 881, 1512(e)). What do you foresee as the respective roles of the Secretary and the Director in performing each of these responsibilities, and any other responsibilities under the HSA where the Director of OPM may have a role?**

A: I believe that in order to make the new human resources management system a success, a close working relationship between the Secretary of Homeland Security and the Director of the Office of Personnel Management must exist. The Office of Personnel Management has a workforce of professionals trained in human resource management who will provide much needed assistance as we move to establish this new system.

Section 841 and 1512(e) requires that the OPM Director and I must come to agreement on the substance of the regulations promulgated under these sections because we must issue them jointly. Section 881, however, says that the Secretary must *consult* with the Director of OPM, in the review of the pay and benefit plans of each of the functions that are transferred into the Department, and in the submission of a plan to Congress on the elimination of pay disparities, especially among law enforcement personnel.

98. **Section 881 of the HSA requires that, within 90 days of enactment, the Secretary, in consultation with the Director of OPM, must review the pay and benefit plans of each agency transferred to the Department and submit a plan to Congress for eliminating disparities in pay and benefits throughout the Department, especially among law enforcement personnel.**

- **What is your strategy and timetable for undertaking this review and**

preparing and submitting the plan?

A: We anticipate that the required report will be submitted to Congress as prescribed by the legislation.

- **In developing this plan, what steps have you undertaken and will you undertake to obtain the views and suggestions of law enforcement officers and other management officials and employees of the agencies; of representatives and organizations of law enforcement officers and other managers and employees; and of others outside of government?**

A: Of course, as the review is undertaken and a plan developed, we will solicit the opinions of the affected employees, their representatives, trade associations, and management experts.

- **What factors and criteria do you intend to apply in recommending changes to pay and benefit systems in the plan? For example, comparability with pay and benefits paid to comparable private sector employees? Locality differentials? The ability of the Department to recruit, retain, and place the employees it needs to meet its missions?**

A: It would be premature to speak to the final design of the plan, but clearly the factors you mentioned in your question should be taken into account.

- **Do you anticipate that the plan will be accompanied by proposed legislative changes?**

A: Should any pieces of our new system require legislative changes, we will be soliciting your assistance in that matter.

- **What consultation do you plan to undertake with Congress regarding the plan and its implementation?**

A: A positive working relationship with Congress will be a key component to any endeavor the Department of Homeland Security undertakes. I look forward to listening to your opinions and working with you to ensure its implementation.

101. Section 841 of HSA authorizes the Secretary, in regulations prescribed jointly with the Director of OPM, to establish a human resources management system (HRMS) for some or all of the organizational units of the Department.

- **Do you believe such a new HRMS should be established?**

A: Yes.

- **If so, which of the Department's organizational units should it cover?**

A: The new HRMS system should be applied Department-wide.

- **What results do you believe the new HRMS should achieve?**

A: The focus of the new personnel system of the Department of Homeland Security should be on putting the right people, in the right jobs, with the right pay and incentives to ensure they are the most effective employees they can be. Additionally the new system should people accountable for their performance, while at the same time empowering our employees with the right tools that give them the capability to complete our shared mission.

- **What is your strategy and timetable for preparing and instituting a new HRMS?**

A: According to the Homeland Security Act, within 6 months of the establishment of the new Department, the Secretary of Homeland Security and the Director of the Office of Personnel Management can issue regulations making changes in five key areas of human resource management. The Transition Planning Office, working in conjunction with the Office of Personnel Management, is reviewing the strategy to implement this section of the legislation.

- **What, if any, process do you intend to use to solicit suggestions from employees, their representatives and organizations, and others before making any formal proposal? What experts will be consulted, when, and by what process?**

A: The new Human Resources Management System will not be successful if the Department does not engage the employees before major personnel decisions are made. These are the people who have been on the front-lines and know what works and what doesn't. In accordance with the provisions of the HSA that require consultation with employee representatives in the planning, development, and implementation of the new HRMS, I pledge to work with both union and non-unionized employees of the new Department to ensure their input is reflected. I welcome all input and suggestions from all areas.

- **When and how will you provide a copy of the proposed rules to employees and their representatives and organizations? What processes will you then undertake to consult and negotiate with them**

about the proposal?

A: The Homeland Security Act has prescribed a timetable for this process:

- Each employee representative must be given a written description of the proposed system or adjustment, along with a written justification for the change;
- Allow 30 days for the representatives to review the proposal and make recommendations back to the Secretary and the Director;
- If any or all of the modifications are not accepted, the Secretary and the Director must:
  a. notify Congress;
  b. allow for a 30 day mediation period with the representatives to try and work out the differences;
  c. allow for the use of the Federal Mediation and Conciliation Service, but only at the Secretary's request or the request of the majority of the employee representatives.
- If the mediation process does not work, and 30 calendar days have passed, the Secretary has the discretion to implement the disputed portions of the proposal, but must notify Congress and provide written justification as to why the disputed pieces of the proposal are being implemented.

- **When and how will you provide a copy of the proposed rules to Congress?**

A: A described above, the legislation prescribes a manner by which we should transmit any proposals to the Congress.

103. **What is your opinion about whether the Department needs to establish or upgrade its management systems before it implements a HRMS or other personnel flexibilities? For example, do you believe that the Department must first –**

a. **ascertain its workforce needs based on fact-based analysis and sound strategic planning, and only then develop strategies that employ appropriate personnel flexibilities to meet documented needs;**

A: The Homeland Security Act included a "Sense of Congress" that I believe is a good guide to follow with respect to the development of the new HRMS. It that said "it is extremely important that employees of the Department be allowed to participate in a meaningful way in the creation of any human resources management system affecting them and that such employees have the most direct knowledge of the demands of their jobs and have a direct interest in ensuring that their human resources management system is conducive to achieving optimal operational efficiencies."

b. **establish or upgrade processes for ascertaining and documenting relevant information about personnel and for making personnel decisions, and**

A: I believe that these discussions should take place simultaneously as the new system is being developed.

c. **adopt mechanisms for holding managers and supervisors accountable for the fair and effective use of personnel flexibilities?**

A: I believe that these discussions should take place simultaneously as the new system is being developed.

If so, please explain how you will assure that such policies and procedures will be established and functioning effectively at the Department before any HRMS or other flexible personnel authorities are put into effect.

A: Should I be confirmed as Secretary, I believe that these issues should be resolved while we are in the process of establishing the new Human Resources Management System.

106. **What role would you like to see unions play at the Department, and what style of arrangements involving labor and management do you intend to foster?**

- **For example, will you foster labor-management partnership at the Department (by involving employees and their representatives as partners in identifying and resolving workplace issues; by providing training in consensual methods of dispute resolution; by negotiating with unions over subjects that management is allowed, but not required, to bargain over; by making use of labor-management committees or councils; etc.)? Or do you believe that other forms of labor-management arrangements would be preferable? Please explain.**

A: I will create a relationship between labor and management that ensures the participation of employee representatives in the planning, development, and implementation of any human resources management system. In addition, I look forward to working with the Department's existing unions on other matters of the Department as they arise and will work to ensure that their viewpoints are taken into account.

- **What specific steps have you taken, and what specific steps do you intend to take, to achieve the kind of labor-management relationships you want?**

A: I respect the men and women that belong to unions. In fact, I was a union member and was able to go to college because of collective bargaining agreements. I cannot do my job with out the support of the hard working men and women of this new Department and I pledge to you that while we may not always agree on some decisions I make, I will work hard to ensure that our relationship is one of respect and collegiality.

- **What actions in your past executive experiences demonstrate your style and approach in the area of labor-management relations?**

A: As Governor of Pennsylvania, I negotiated two major union contracts with large public employee unions. While we may not have agreed at the outset of the negotiations, at the end of the process, all parties went away from the table satisfied with the results.

- **How do you plan to evaluate and report on the bottom-line results achieved through the arrangements involving labor and management established at the Department?**

A: I will evaluate each situation on a case-by-case basis. I believe each side has the best of intentions and knows that the bottom line for the Department of Homeland Security is "will this make America safer?"

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117. **The Department of Homeland Security will have a privacy officer, whose statutory responsibilities will include assuring compliance with the Privacy Act and "assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information."**

- **If confirmed, how would you ensure that the Privacy Officer is able to perform these statutory functions?**

A: I regard the mission of the privacy officer as an extremely important component to the success of the Department. If confirmed I would work to ensure that the privacy officer is able to evaluate the legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Federal government.

- **What level of budget and staff do you envision for this office?**

A: The staffing and budget for the Privacy Officer has not been finalized. When those figures are available, I will be more than happy to provide them to you.

- **How would you ensure the independence of the Privacy Officer?**

A: While the Privacy Officer ultimately reports to the Secretary of the Department of Homeland Security, I will ensure that systems of records are handled in compliance with fair information practices set out in the Privacy Act of 1974.

118. **The development of data-mining initiatives by the FBI, TSA, and DARPA has raised concerns about privacy. Some also question the effectiveness of systems they consider likely to generate many "false positives".**

- **What are the TSA's plans to develop and deploy the second generation Computer Assisted Passenger Prescreening System (CAPPS II)?**

A: The Transportation Security Administration has been aggressively pursuing completing the implementation of the CAPPS II program. This program will be designed to improve security and customer service.

- **Will CAPPS II be used for commercial aviation security only, or for other transportation contexts? Will it be put to non-transportation uses, such as aiding law enforcement?**

A: By definition, the CAPPS II system is designed to aid law enforcement and making the nation's airports and airlines safer for consumer travel.

- **To what extent will individuals outside of government be given access to information generated by CAPPS II? Do you believe any restrictions should be placed on CAPPS II to protect personal privacy? If so, please describe these restrictions.**

A: As I have stated before, personal privacy is of great concern to myself and will be protected under my leadership. We will work to ensure that to the extent possible, personal privacy is protected.

- **How many "false positives" is CAPPS II expected to generate? What is an acceptable level of "false positives" for the system? How will individuals be able to correct mistakes about them generated by CAPPS II?**

A: Information regarding "false positives" is not available at this time.

- **Will the Total Information Awareness system being developed by DARPA be deployed by the Department? When is TIA likely to be operational?**

A: I defer to the Defense Department and DARPA with respect to TIA.

- **How many "false positives" is TIA expected to generate? What is an acceptable level of "false positives" for the system?**

A: I defer to the Defense Department and DARPA with respect to TIA.

- Can TIA be fully deployed consistent with the Privacy Act? Does the Privacy Act prevent TIA from integrating information from many sources into a single system of records?

A: I defer to the Defense Department and DARPA with respect to TIA.

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119. **Representatives of communities impacted by many of the programs that will be moved into the Department have expressed concern about the potential negative impact of the Department on civil rights and civil liberties. They argue that a Department whose reason for existence is maintaining the nation's security will be tempted to sacrifice civil rights and civil liberties in the pursuit of its security mission. They note that some of the agencies moving into the Department have poor records in this regard, citing studies finding patterns of racial profiling, among other things. To address these issues, an Officer for Civil Rights and Civil Liberties in the Department is charged with reviewing and assessing information alleging abuses of civil rights, civil liberties and racial and ethnic profiling by employees and officials of the Department and with reporting to Congress on its activities.**

- **Do you support the inclusion in the Department of an Officer for Civil Rights and Civil Liberties?**

A: Yes.

- **What is your view of the role of this Officer?**

A: I view the role of this officer as one who will review and evaluate any and all allegations that employees and officials of the Department have violated civil rights or civil liberties.

- **How will you integrate this Office into the Department's operations and activities?**

A: The Officer for Civil Right and Civil Liberties will be a key component of the Department's organization. I view the role of this officer as one who will review and evaluate any and all allegations that employees and officials of the Department have violated civil rights or civil liberties.

- **What authorities will you give this Officer to make sure that he can adequately discharge his statutory duty to "review and assess" abuse allegations?**

A: The Officer for Civil Rights and Civil Liberties will have the appropriate authorities so as to discharge the duties of this important function. Further, this person will have the ability to reach out to the public to ensure that affected citizens will know how to make such allegations or complaints.

- **Will you direct the Department's constituent agencies and programs to cooperate with inquiries and actions by the Officer?**

A: I will, subject to the ultimate review and control of the Deputy Secretary and Secretary, direct the Departments constituent agencies and programs to cooperate with inquiries and actions by the Officer.

- **To whom will this Officer report? What type of access will this Officer have to you and to the Deputy Secretary?**

A: The final organizational chart for the Department has not been finalized, but I pledge that the Officer for Civil Rights and Civil Liberties will have the appropriate access to the Secretary and Deputy Secretary so as to discharge the duties of this important function.

- **How large a staff do you plan to give to this Office? How large a budget?**

A: Final staffing and budget numbers are not available at this time. When those figures are available, I will be more than happy to share them with you.

- **Do you agree that respecting civil rights and civil liberties issues should be considered a Department-wide priority? If so, how do you intend to implement that view?**

A: Yes, I believe that respecting civil rights and civil liberties issues should be considered a Department-wide priority. Further, and as I have stated several time before, respecting the civil rights and civil liberties is an important part of the job of the Department. Should I be confirmed by the Senate, I will use my tenure to look for opportunities to communicate this view internally, as well as meet with groups from outside the Department concerned about these issues.

- **Do you believe that racial profiling in any of the Department's programs is appropriate? Please explain.**

A: I will ensure that the employees of the Department do not engage in any form of unlawful discrimination.

- **What do you intend to do to ensure that Department programs and agencies do not engage in inappropriate racial profiling?**

A: I will make it clear that such racial discrimination will not be tolerated, and I will pay close attention to any concerns expressed by the Officer for Civil Rights and Civil Liberties along these lines, as well as complaints or concerned raised by citizens or interest groups. I intend to demand and expect that every employee throughout the Department comply fully with the law and the Constitution.

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123. **Under the HSA, DHS will be responsible for issuing regulations regarding visa issuance – including those that will continue to be issued by State Department personnel.**

- **What specific role should DHS have in establishing and overseeing the implementation of visa policy?**

A: The Homeland Security Act would shift the legal authority to issue visas to foreign nationals from the Department of State to the new Department of Homeland Security. Currently, the Department of Justice, through the INS, as well as the Department of State, though Consular Affairs, share authority relating to the admittance of foreign nationals to United States. This proposal would unify the legal authority to control entry into the United States in a single cabinet department. The Department of State, working through U.S. embassies and consulates abroad, would continue to administer the visa application process.

- **How should DHS manage DHS and State Department coordination regarding implementation of visa policy so that border security is improved, such as ensuring there are no gaps between State and INS terrorist watch lists and databases?**

A: The Department of Homeland Security and the Department of State are currently drafting an MOU regarding visa policy so that the portions of the Homeland Security Act dealing with the new visa processing requirements can be properly implemented.

124. **The Department of State processes several million visa applications annually and a number of consular posts have been overwhelmed by the volume of applicants. Moreover, the process has been vulnerable to fraud, weak controls, and differences of opinions and practices. A December 2002 report**

by the State Department Inspector General revealed numerous problems with the process for issuing non-immigrant visas, including inexperienced or inadequately trained personnel, a lack of consistent procedures and inadequate funding.

- **What is your assessment of the visa issuance process and where do you see the need for greatest change? As head of OHS, what steps did you take to address security concerns regarding the visa process? What should DHS do to improve this process?**

A: While the Secretary of State and the Attorney General, in close cooperation with the Office of Homeland Security, have been making great strides to strengthen the visa processing system. For example, Foreign Service Officers in U.S. Embassies overseas are now provided more access to databases as they process applications for visas. Additionally more visa applications are checked at the back end of the process by the FBI and CIA for any inconsistencies. Finally, tens of thousands of names have been entered into the National Crime Information Center (NCIC), run by the FBI, to which all state and local law enforcement officers have access. We know that more progress must be made in this area, and I look forward to working with the Secretary of State to strengthen out nation's visa processing systems.

- **What role should DHS officers stationed in overseas posts play in the visa issuance process?**

A: Pursuant to Homeland Security Act, the Secretary of State, in consultation with the Secretary of Homeland Security, must evaluate the performance of consular officers with respect to the processing and adjudication of applications for visas. The Homeland Security Act provides the Secretary of Homeland Security with the ability to assign Department employees to each diplomatic and consular post. Their functions, as prescribed by the statue, include providing security advice and training relating to the adjudication of visa applications, reviewing any such applications, and conducting investigations with respect to the consular matters under the jurisdiction of the Secretary of Homeland Security. All of these matters will receive my full attention, and I will work with the Secretary of State on this important issue.

125. **The INS' implementation of the first wave of registration under its "special registration program" has been met by criticism from some (see, e.g. Washington Post editorial, Dec. 29, 2002). What is your view of the program and the implementation process thus far?**

A: I fully support the Administration's position on the "special registration program." While the services and enforcement functions of the Immigration and

prospectively, I respectfully direct your questions regarding these current initiatives to the Department of Justice and the INS.

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130. **What will be the staffing and funding levels for the Office of Domestic Preparedness?**

Addendum per January 9, 2003 letter: Please answer the question with respect to the remainder of FY 2003.

A: The funding level for FY 2003 is contingent upon the appropriations process. In terms of staffing, sixty-one people currently work for the Office for Domestic Preparedness at the Department of Justice; eighty-five people currently work for the Office of National Preparedness at the Federal Emergency Management Agency. As specified in the transition plan, both are scheduled to transfer to DHS on March 1, 2003. Consistent with the Homeland Security Act, the two offices will be consolidated under the Office for Domestic Preparedness in the Department of Homeland Security Border and Transportation Security Directorate.

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133. **Senators Hatch and Lieberman have introduced legislation, S. 3148, which would provide incentives for the biotechnology and pharmaceutical industries to launch major research programs to develop countermeasures to biological, chemical and radiological agents, toxins and materials. Some believe that the biopharma sector has little or no incentive to engage in this research because there is either no established market or only a government market -- and it's not clear from the industry's point of view which of these possibilities is worse. Some argue that the industry is under considerable economic pressure. Others argue that the experience of Bayer with regard to Cipro -- when its price was challenged and threats were made against its patent -- is not a confidence builder for the industry.**

- **Do you believe there is a need to enact incentives to engage the biotechnology and pharmaceutical sector in developing countermeasures?**

A: The goal of protecting a diverse population of all ages and health conditions requires a coordinated national effort with a comprehensive research and development strategy and investment plans. Any such plan should be viewed in its totality, and not merely on one potential component.

- **What specific comments do you have about the incentives that Senators Lieberman and Hatch have proposed?**

A: I have not had the opportunity to fully review the legislation as referenced, but should I be confirmed, I look forward to working with the Secretary of Health and Human Services to best determine the appropriate response.

Post-Hearing Questions for the Record
Submitted by Chairman Susan M. Collins
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

Intelligence

1. During the debate on homeland security, this Committee had several spirited discussions about the Department's access to unevaluated intelligence. In addition, there were also numerous questions raised about the willingness of the other federal agencies such as the CIA and FBI to cooperate in providing the Department with access to information and intelligence. Indeed, just last month the Gilmore Commission concluded that, "Intelligence and information sharing has only marginally improved."

   If the Gilmore Commission is correct and such little progress has been made since September 11, 2001, how will you get these agencies to cooperate with the Department of Homeland Security?

   A: We are in the process of signing an MOU for information sharing with the FBI and CIA. As you know, the legislation calls for the Under Secretary of Information Analysis and Infrastructure Protection to review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, and other information relating to homeland security within the Federal government. Also, DHS will be a full partner in the Terrorist Threat Integration Center designed to facilitate inter-agency cooperation in the fusion and analysis of threat information.

Coast Guard

2. The Homeland Security Act establishes a number of protections for the Coast Guard's non-homeland security functions. These are provisions that Senator Stevens and I worked hard to develop. They ensure that the functions and assets of the Coast Guard will be maintained intact and with significant reduction as a result of the Coast Guard's transfer into the Department. Given that, in 2001 alone, the Coast Guard performed over 39,000 search and rescue missions and saved more than 4,000 lives, I believe that these protections are extremely important.

   The Department of Defense recently requested the deployment of four Coast Guard cutters in support of Operation Enduring Freedom, the Global War on Terrorism, and future contingencies. One of these cutters, which was a multi-purpose cutter used for

homeland security and non-homeland security missions, will be deployed from Portland, Maine. Future military operations could require more Coast Guard assets, and this could ultimately mean that some trade-offs will need to be made in terms of our port security and in terms of the Coast Guard's traditional missions:

- How will you work with the Department of Defense to ensure that the Coast Guard can conduct its non-homeland security missions while, simultaneously, helping to protect the homeland and fight the war on terrorism?

  A: Per title 14, the Coast Guard is a military service and branch of the Armed Forces at all times. The Coast Guard has a longstanding tradition, duty, and responsibility to support National Security requirements both at home and abroad.

  The Department of Homeland Security will ensure that the Coast Guard remains an active participant in the Department of Defense's (DoD) deliberate and crisis planning process that supports the global war on terrorism and other military contingencies. This process allocates forces, including Coast Guard forces, to the Combatant Commanders to enable them to conduct contingency planning. Coast Guard forces are not committed to DoD by this process. When DoD prepares to execute operations, it must first request and receive permission from the Coast Guard to employ Coast Guard forces. This process will be closely monitored by the Department of Homeland Security to ensure that the impact of deployments on other Coast Guard missions is fully assessed and mitigation strategies are developed prior to approving the deployment of Coast Guard forces.

  The Coast Guard derives great support from the Department of Defense in addressing its Maritime Homeland Security requirements. The Coast Guard is working with the Navy and US Northern Command to identify select/specialized DoD capabilities that can support Coast Guard security needs in our nation's strategic seaports. This effort builds upon excellent relationships that were already in place well before September 11, 2001 that facilitated the timely transfer of Navy Patrol Coastals to the Coast Guard for homeland security operations. The Department of Homeland Security will work to enhance this relationship.

  The Department of Homeland Security and Coast Guard are committed to meeting the security requirements of our nation, and we are equally committed to ensuring the Coast Guard possesses the capability and capacity to perform all missions, including non-security functions.

- Do you expect that the President's budget will provide sufficient funds for the Coast Guard to conduct its homeland and non-homeland security functions if more Coast Guard cutters and other assets are lent to the Department of Defense to assist in the war effort?

  A: The FY04 budget provides the CG the capability and capacity to perform increased Maritime Homeland Security (MHLS) operations and sustain non-HLS

missions near pre-September 11, 2001, levels. Specifically, it will enable the Coast Guard to accomplish three primary objectives:

1. RECAPITALIZE LEGACY ASSETS AND INFRASTRUCTURE:
Integrated Deepwater System: $500 million in FY04 will enable the Coast Guard to fund conversion of five 110' patrol boats to more capable 123' patrol craft, seven Short Range Prosecutor small boats, the first National Security Cutter (to be delivered in FY 2006), and the continued development of a Common Operating Picture (COP), command and control system at four shore-based command centers.
Rescue 21: $134 million will continue funding for the Coast Guard's primary communications system in the coastal zone area; it will be 35% complete at end of FY04 and fully completed at end of FY06. This will impact SAR as well as all our other mission areas.

2. BUILD-OUT HOMELAND SECURITY OPERATIONS
Maritime Domain Awareness: $34 million in FY04 will fund leased satellite channels for cutters and network connectivity for smaller assets, Universal Automated Identification System (UAIS) for large cutters in accordance with carriage requirements initiated by the International Maritime Organization for certain commercial vessels, and a prototype Joint Harbor Operations Center (JHOC) in Hampton Roads, VA, to provide surveillance of Navy-centric critical infrastructure.
Homeland Security Operations: $172 million in FY04 will fund six deployable Maritime Safety and Security Teams (MSSTs), over 50 Sea Marshals, 43 Response Boats (Small) & 8 Response Boat (Mediums) to increase the organic presence in our ports and waterways, the creation of Stations Boston and Washington (DC) to provide additional resources in these critical locations, two new Port Security Units to support domestic and overseas operational planning and nine 87' Coastal Patrol Boats for maritime HLS and our other important missions.

3. SUSTAIN NON-HLS MISSIONS:
Search and Rescue (SAR): $26 million in FY04 will fund over 390 new personnel towards achievement of a 68-hour workweek at small-boat stations a 12-hour watch standard at command centers, as well as training enhancements at the National Motor Lifeboat School and Boatswainmate "A" school to increase the training throughput at both locations.

The Coast Guard has developed plans to mitigate the impact of deployments on other Coast Guard missions. Some mission trade-offs will occur commensurate with the nation's war preparation. However, Operational Commanders are planning to increase operational tempo of remaining assets to backfill for lost patrol hours, utilize eleven 170' Navy Patrol Coastal (PC) craft (under Coast Guard tactical control) that will provide additional resource hours and offer considerable operational flexibility and adaptability. Coast Guard Operational

Commanders also intend to reposition operational assets and utilize the Selected Reserve (SELRES) to rebalance our domestic mission effort. This rebalancing, to be successful, assumes any expeditionary activity is completed within FY03, and that a supplemental funds the total costs of the inconus/outconus expeditionary/mobilization buildup.

Office of International Cooperation

3. The new Department can learn from the experience of other nations. That is why Congress included an Office of International Cooperation. The Director should be able to identify and capitalize on areas where foreign countries may be able to make a distinct contribution to furthering U.S. security. For example, Israel has tremendous expertise in airport, border, and port security, and in preparing for and responding to terrorist acts. I believe that one of our most valuable international assets in our fight against terrorism is the continued collaboration and cooperation with Israel.

What types of experience and skills will you be looking for in a person when you consider appointing a Director for the Office? What are you expecting the International Affairs office to accomplish?

A: The Department will seek to appoint as Director of the Office of International Affairs an individual with the following experience and skills: ability to design and implement international strategies that will enable the Department to accomplish its statutory missions; solid executive expertise, public service values, and a broad perspective of government; extensive experience working with foreign governments, non-governmental organizations, the private sector, and regional, multilateral, and professional organizations; and demonstrated knowledge of the Department's core functions.

I expect the Office of International Affairs to focus on its statutory missions, namely:

1. Promote information and education exchange with friendly nations in order to promote sharing of best practices and technologies, including: exchange of information on R & D on homeland security technologies; joint training exercises of first responders; exchange of expertise on terrorism prevention, response, and crisis management.

2. Identify areas for homeland security information and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

3. Plan and undertake international conferences, exchange programs, and training activities.

4. Manage international activities within the Department in coordination with other Federal officials with responsibility for counter-terrorism matters.

First Responders

4. In the President's last budget, he proposed a First Responder Initiative that would have dramatically increased funding for first responder preparedness, training, and equipment. For a number of reasons, the President's proposal has not been acted upon.

   Within weeks, the President will send a new budget to Congress. But he will do so faced with a fiscal situation that has deteriorated substantially, and budget deficits that could be the largest in history.

   How important do you think it is that the President's budget for Fiscal Year 2004 include substantial funding for first responder preparedness, and what level do you think is sufficient?

   A: President Bush will request a substantial increase in funding for first responders. This funding, coupled with the FY03 funding and past grants to states and localities for terrorism preparedness, will go a long way toward addressing first responder needs. We have a long road ahead in preparing our responders for this challenge and the Administration is committed, working in partnership with state and local governments, to provide assistance.

5. According to the Hart-Rudman Commission: "First responders – police, fire, and emergency medical personnel – are not prepared for a chemical or biological attack. Their radios cannot communicate with one another, and they lack the training and gear to protect themselves and the public in an emergency." The lack of interoperability can have serious consequences. How do you anticipate the Department will address this situation?

   A: The Department will be actively addressing the communications interoperability problem through the SAFECOM project. This program, administered by FEMA's Office of Information Technology at DHS, will provide the standard for communications interoperability purchases in the future. We must also work closely with the state and local governments to coordinate their efforts with Federal efforts to address this issue.

   It is important to be clear that not every firefighter needs to be able to communicate with every police officer, but that they should be able to communicate to a command post and emergency operations center. It is also important that different levels of government be able to communicate with one another.

   Through FEMA's United States Fire Administration and the Inter Agency Board (IAB), efforts are underway to develop fire and emergency equipment interoperability, working closely with the manufacturing community and emergency services. This will assist us in solving interoperability problems with equipment, such as the Self Contained Breathing Apparatus and emergency rescue tools, to name a few.

Relationship with the Department of Defense

6. A strong relationship between the Department of Homeland Security and the Department of Defense will be critical to ensure that all available assets are used in the most effective and efficient ways possible to protect the nation. Developing and managing this relationship will be very important to the success of the new Department. There are two issues that are of particular importance.

   Over the past year, the DoD has initiated some internal restructuring to meet our homeland security challenges. Perhaps the two most significant changes have been the creation of a new Assistant Secretary of Defense for Homeland Defense, and the establishment of Northern Command (NORCOM). Certainly, in your current position you have already had the opportunity to work closely with the Pentagon. However, NORCOM will be based in Colorado, and will have direct command of military assets necessary to safeguard our nation.

   Clearly, the Departments of Homeland Security and Defense will have to communicate closely and coordinate their activities. But do you see any overlap in the homeland security activities that the Department of Homeland Security and the Department of Defense will undertake?

   A: I agree that close communication and coordination between DHS and DOD is necessary. To this end, I would like to point out that this communication and coordination starts at the top and I can assure you that Secretary Rumsfield and I have a very close working relationship, as do our respective staffs. Everyone in this Administration understands that we must have "one team, one fight" to optimize our resources to achieve the homeland security objectives of our nation.

7. Would it be your intention to establish a formal organizational structure as a bridge directly between NORCOM and the Department of Homeland Security?

   A: As I referred to in the previous answer, the objective of this Administration is to focus and optimize its resources for securing the homeland through the principal of "one team, one fight". As such, Secretary Rumsfield and I will consider a variety of organizational relationships that will achieve the purpose of optimizing the relationships between our respective departments, including the consideration of the establishment of a formal organizational structure as a bridge. The specific details of how this will be done and specifically which components should have direct representation, is still being developed.

8. Since 9/11, the Pentagon has moved forward aggressively in developing new technologies to meet our nation's homeland defense challenges. An example is the Biological Defense Homeland Security Support Program that has been established at the Defense Threat Reduction Agency. According to a recent media report, this organization is attempting to create an overarching biological surveillance system and hopes to field a prototype in Washington, D.C. Clearly, the development of this kind of technology was

also provided for in the Homeland Security Act. How do you intend to prevent duplication of effort between the DoD and the new Department of Homeland Security in technology development?

A: Both DOD and DHS are represented on the White House Biodefense Vaccines and Immunologics Committee. The Homeland Security Council (HSC, formerly the Office of Homeland Security), the Office of Science & Technology Policy (OSTP), and the National Security Council (NSC) have assembled a subcommittee under the National Science and Technology Council charter and the mandates of National Security Presidential Directive-17 (NSPD-17). This IWG is tasked to:

1. Define the national requirements for vaccines and immunologic products to counter BTAs.
2. Establish desired performance criteria/characteristics of vaccine products.
3. Establish research priorities for biodefense vaccine development against BTAs.
4. Review development and acquisition plans and budgets.
5. Address intellectual property rights.
6. Examine expedited regulatory procedures.
7. Address special issues related to human subject research protection.
8. Assess research activities of the agencies and the market.
9. Identify R&D gaps and deficiencies and recommend remedies.
10. Evaluate and propose use policies for existing and future vaccines.

Thus coordination at all levels (R&D, T&E, standards, acquisition, procurement, deployment and conops) will be addressed and maintained at this multi-agency level.

9. Would it be your intention to transfer to DHS some of the DoD projects that are primarily aimed at homeland security?

A: The National Communications System (NCS), which has been in existence since 1963 and has a proven and continuing record in coordination of the planning for and provision of national security and emergency preparedness communications under all circumstances, including crisis, attack, response and reconstitution. This program formerly under the Executive Agency responsibilities of DOD will transfer to DHS effective March 1, 2003, as specified in the Homeland Security Act. The transfer of the NCS is a natural fit to our efforts to provide for better protection of all of our critical infrastructures including our nation's robust telecommunications network, which the NCS has been so successful at for many years. In addition, DHS will assume responsibility for the Department of Defense's Chemical and Biological Defense Program, which again is specified in the Act and which clearly fits into the objectives of the Department of Homeland Security. There are no other DOD programs currently under consideration for transfer from DOD to DHS.

HSARPA Concerns

10. Within the new Department of Homeland Security, the Directorate of Science and Technology is intended to serve as the focal point for the development of new tools to protect our nation. The Homeland Security Advanced Research Projects Agency

(HSARPA) will be a key component in these efforts. As you know, this approach was based on the Defense Advanced Research Projects Agency (DARPA), within the Department of Defense. DARPA has been widely praised for providing avenues for non-traditional defense contractors, like small businesses and academic institutions, to contribute their important expertise to our national defense. However, there have also been significant concerns regarding privacy issues in relation to some of DARPA's work. Specifically, the Total Information Awareness (TIA) system has raised concerns about intrusions into the privacy of American citizens against whom there are no allegations or suspicions of wrongdoing.

As HSARPA gets up and running, how will you ensure that privacy concerns will be an important consideration in the development of new technologies?

A: The Homeland Security Act establishes within the Department (sec 222) a privacy officer, who among other things is to assure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of private information. Furthermore, an annual report to Congress is required on all activities of the Department (including RDT&E activities) that affect privacy.

Clearly, senior policymakers must understand what the "art of the possible" is in terms of information analysis tools and algorithms, so that informed debates can occur with regard to the employment of these technologies. Thus, research activities that make use of commercially available databases, for example, ought to be explored, while at the same time assuring that officials charged with the responsibility of advocating for privacy protections, such as the DHS Privacy Officer, are kept informed and able to influence the research efforts.

Bioterrorism Preparedness

11. Some members of the public health community have expressed concern about the relocation of some of the Department of Health and Human Services bioterrorism programs to the new Department of Homeland Security. They are concerned that this could divide the nation's system for response to infectious disease into parallel systems for naturally occurring and intentionally occurring disease threats.

- Do you believe that this concern is valid?

A: Bio Terrorism programs are still housed within the HHS and DOD. The Strategic National Pharmaceutical Stockpile while administered by DHS will be developed and maintained collaboratively with HHS.

- How do you plan to work with the Secretary of Health and Human Services to ensure that this kind of separation does not occur?

A: We are in the process of finalizing a Memorandum of Understanding that will ensure the effective coordination of these programs on this vital issue.

12. Public health officials have also expressed concern that the continuing need for strengthening the public health infrastructure could be diminished by efforts to achieve homeland security goals. We are currently seeing this happen as our State and local health departments begin to implement the Administration's smallpox vaccination plan. While our public health officials recognize the need for bioterrorism preparedness, they are concerned that they do not have adequate resources, and that they will have to divert funding from other important public health responsibilities in order to comply with the plan. As a consequence, public health departments across the country are saying that they will have to curtail an array of services, including cancer and TB screening and childhood immunization clinics to meet the needs of the smallpox program. (see attached New York Times article). How can the Department of Homeland Security help to balance these priorities?

A: We will ensure the balance by coordinating grants with HHS to carry out the immunization program in addition to normal public health services.

- Does the Administration plan to request additional funding for States and local governments to ensure that our bioterrorism preparedness efforts do not unduly disrupt the day-to-day work of protecting the public health?

A. REPLACE

13. In addition to widespread medical consequences, a bioterrorist attack could also bring about horrific social, economic and psychological consequences. In the summer of 2001 - just a few months before the terrorist attacks of September 11th - the Centers for Strategic and International Studies conducted a war game - code-named Dark Winter - that began with a report of a single case of smallpox in Oklahoma City. Iraqi-financed Afghan terrorists had sprayed smallpox viruses into shopping malls in Oklahoma City, Atlanta, and Philadelphia. The act went unnoticed until a few weeks later when people started showing up in emergency rooms in Oklahoma City complaining of fever and rash. By the time it was over, the imaginary epidemic had spread throughout the country and killed several million people. As the epidemic expanded exponentially, every critical infrastructure in the country was crippled because the personnel required to make them function were either victims of the epidemic or

caring for immediate family members who were. Commerce came to a halt, nationwide air travel and the stock market shut down, and, all the while, the epidemic continued to grow.

According to former Senator Sam Nunn, who played the President in the exercise: "The 3,000 cases in Oklahoma from the initial attack mushroomed into hundreds of thousands of victims nationwide within 12 days, along with riots and a trade collapse. It's a lucky thing this was just a test, but our lack of preparation is a real emergency."

How much better prepared are we today to cope with a bioterrorist attack like the one laid out in *Dark Winter*? How will the creation of the new Department of Homeland Security help us to be better prepared? As Secretary of the Department, how would you respond to the kind of scenario outlined in the *Dark Winter* exercise? What steps would you take to ensure that there was a different outcome?

A: We are developing comprehensive plans for the federal responses to such an incident. The creation of DHS will bring together the response expertise from several agencies into a clearer response team. We will also be able to leverage the efforts and resources of all federal agencies through the developing National Response Plan and the existing Federal Response Plan.

Relations with unions

14. As you are well aware, there have been concerns raised by union members whose jobs will be transferred to this new Department. What type of outreach do you plan to do to allay the concerns of these employees, and ultimately, what type of labor-management relationship do you hope to forge?

A: As I noted above, we have already begun to reach out to the leadership of the principal unions at the national level – and we have committed to continuing that dialogue. We have assured those leaders that we will collaborate with them in the development of the new human resource management system – and that we want to have open lines of communications. Ultimately, we need their consul on the type of labor management relationship that we can forge – I would hope that it would be one that is characterized by mutual respect and understanding of differing perspectives on issues.

Inspector General

IG Independence

15. As you are aware, the Department of Homeland Security (DHS) will also include an Office of Inspector General (IG) who will have responsibility for conducing investigations and audits. In order for an IG to operate independently and effectively, there must not be interference from a department head. When Congress established the Offices of Inspector General in 1978, it was not certain how successful they would be and, obviously, they have proven themselves to be a valuable addition to the government. Their presence and hard work have greatly benefitted taxpayers.

- What is your view of a successful working relationship between yourself and the DHS IG?

A: The function of the Inspector General is especially important in a Department of this size and scope. I view this position as a critical piece to the success of the new Department and plan to work closely and cooperatively with the new Inspector General, should the President's nominee be confirmed. Clearly, the independence of the Inspector General will be key to ensuring that an honest assessment of the Department's functions are portrayed, and I look forward to appropriately interacting with the IG organization that will be created in the Department. I agree it is appropriate that the role of the Inspector General should be maintained with comparable levels of autonomy as currently exercised in similar agencies. Staffing and budget plans will be released at the time the President's FY 2004 budget is released in February, and will be happy to discuss those plans with you at that time.The DHS IG will have the additional responsibility of overseeing internal investigations performed by the Office of Internal Affairs of the U.S. Customs Service and the Office of Inspections of the U.S. Secret Service. The head of each of those offices will report significant activities directly to the Inspector General of the department.

- Do you consider it your responsibility to manage or supervise those internal offices, and will you require the office heads to report to you in addition to the IG?

A. I have not reviewed the matters currently in progress at any of the transferred agencies, but have no reason to believe that I will exercise the authority granted under Section 811(b) with respect to any ongoing matter. Further, no such arrangements have been made with any of the Inspectors General, but I would anticipate that should he or she be confirmed, making arrangements of this kind would be one of the first orders of business for the Inspector General. Consistent with my other responsibilities, I expect I will do all I can to facilitate such arrangements.

Prohibition of Certain Investigations

16. The Homeland Security Act prohibits the DHS IG from engaging in certain investigations or audits if the Secretary of Homeland Security determines that such a prohibition is necessary to prevent the disclosure of information that would threaten national security.

I am aware that concern has been raised regarding that provision. However, it is important to note there is precedent for placing an IG under the direct authority and control of the agency head in certain areas involving intelligence matters and other sensitive matters. Specifically, the IGs for the Departments of Justice, Defense, Treasury and the Central Intelligence Agency currently operate under such a restriction.

Certainly, this type of authority is not conferred lightly and must be used judiciously. Would you please describe the criteria you will use to determine if you should exercise such authority regarding an ongoing investigation or audit?

A. I see this provision being used in only the most extraordinary circumstances, where the furtherance of an IG investigation or audit would clearly be injurious to national security.

Information Technology

18. The Homeland Security Act provides that the Department's chief information officer (CIO) is to report to you or some other official that you designate. The Clinger-Cohen Act, which mandated the creation of CIOs in the major federal agencies, states that a department-level CIO is to report directly to the Secretary. Reporting directly to the Secretary is considered a critical factor in a CIO having the necessary stature and clout within an organization to be effective.

    In addition, the Homeland Security Act makes the Under Secretary for Management responsible for management and administration of information technology (IT) and communications systems.

    To whom will the CIO report? And, how would you describe the authority and responsibilities of the Under Secretary in relation and comparison to the Chief Information Officer?

    A: The department's CIO, Chief Financial Officer, Procurement Officer, and Chief Human Capital Officer will all report to the Undersecretary for Management. This will ensure that the new department moves as quickly, collaboratively, and effectively as possible toward shared vision and objectives in support of our congressionally mandated missions. The Department will delegate to the DHS CIO, through the Under Secretary for Management, the authorities and responsibilities provided under the Clinger-Cohen Act, with my full support.

19. You also indicated in response to the pre-hearing questions that the department CIO, working with CIOs from the incoming agencies, will create a plan within 120 days to address integration and interoperability of the Department's information systems. Based on the priorities and objectives set by the Under Secretaries and approved by you, the plan will identify and prioritize opportunities for integration and interoperability across mission critical systems, department-wide systems, and information technology (IT) infrastructure.

    Will the CIO, as part of the planning process, be looking at pending IT acquisitions by the incoming agencies? And, if yes, will the CIO have the authority to cancel any acquisitions that have yet to be completed if he finds that they are no longer a priority or are inconsistent with the Department's overall IT strategy?

    A: I expect the DHS CIO to review all pending IT acquisitions in compliance with the Clinger-Cohen Act and as a matter of ongoing responsibility. I expect the DHS CIO to work closely with the CFO, DHS senior leadership and senior program managers as part of an investment review board. I will support the recommendation of the DHS CIO, with

the concurrence of the Under Secretary for Management, to cancel an acquisition if it is determined to no longer be a priority, is inconsistent with the Department's overall IT strategy and enterprise architecture, or is redundant with other acquisitions.

Access to Federal Agencies

20. GAO has developed considerable homeland security related expertise, even prior to September 11th. Over 140 reports on a wide range of topics have been published just within the past several years. Congress has enacted numerous legislative mandates for GAO review and analysis of homeland security functions. GAO is currently actively engaged on behalf of Congress on homeland security issues ranging from program effectiveness, best management practices, emerging issues, and innovative solutions, to resource utilization and program accountability.

Key GAO staff have extensive related experience and hold requisite security clearances. GAO has experience in handling and reviewing classified and sensitive materials. GAO's extensive contacts with state and local governments and the private sector, and subject matter experience on budgets, human capital, performance metrics, program accountability, and other issues with homeland security implications allow us to identify the multi-disciplinary context for homeland security decisions.

Access to key federal government officials as well as federal agency records and information is critical to GAO's successful performance of its work on behalf of Congress.

Relationships with Tom Ridge and access to Office of Homeland Security information have been mixed in this regard. A constructive working relationship with the cabinet level Department of Homeland Security will be important. As a result, it may make sense to ask Governor Ridge certain questions regarding access to key officials and information as part of his confirmation hearing.

- Do you agree that timely and accurate access to federal agency records and other information and to federal officials is necessary for Congress to fulfill its oversight responsibilities?

- Do you support Congressional and GAO access to federal agency records and other information and to key federal officials within the new Department of Homeland Security?

Yes, consistent with the constitutional prerogatives of the Congress and the Executive Branch, I agree if confirmed to respond to any reasonable request to appear and testify before any duly constituted committee of the Congress. Further, the Department of Homeland Security intends to cooperate fully with the General Accounting Office to the extent required by law in providing GAO access to personnel, records, and information in furtherance of GAO's authorized activities. DHS intends that access will be provided in the most efficient and responsive manner as possible.

Immigration

21. What kind of local structure do you envision that will effectively, efficiently, and fairly carry out our immigration functions? Do you envision maintaining both service and enforcement functions in the existing network of INS district offices and sub-offices? Are there any plans to expand this network to provide more localized services?

A: We recognize that the new department has the dual responsibility for facilitating legal immigration while preventing unlawful entry. It is extremely important for immigration functions to continue to operate efficiently and effectively during the transition to DHS—we want to do no harm in this area while building the structure of the new department and seeking the improvements that should become apparent down stream. So initially, the local INS organizational structure will remain in place so as to not disturb the mission of the service and enforcement functions, with the exception that service functions and enforcement functions will have separate chains of command.

22. The new Department will clearly separate immigration enforcement and inspections (to be housed in the Directorate of Border and Transportation Security) from immigration services (to be housed in the Bureau of Citizenship and Immigration Services). Since successful adjudications and enforcement initiatives depend on the coordination between these two functions, how will such coordination be achieved?

A: As the transition to DHS continues, we are well aware of the necessity for strong linkages between the Bureau of Citizenship and Immigration Services and the inspection and enforcement bureaus to be housed in BTS. We are in the process of institutionalizing liaison relationships and coordination mechanisms between those bureaus so that the valuable functions they perform can continue to be coordinated and requisite subject-matter expertise can be retained.

23. In the last Congress I joined a number of my colleagues, including Senators Brownback and Specter, and introduced a bill to help refugees and asylum seekers. The bill, which is called the Refugee Protection Act, seeks to ensure that those fleeing persecution who reach our shores are given a reasonable opportunity to seek asylum in our country. At a time when we are defending our country against those who try to do us harm by creating this new department, how will you ensure that freedom loving people, fleeing tyranny and persecution, are given a chance to apply for asylum and protection in our country?

A: One of the primary goals of the Department is to protect our nation's security even as we welcome people with legitimate asylum claims. It's important to appreciate that the national policies on asylum have not changed with the creation of the new department, nor have the inspectors and other frontline border representatives of the federal government who will be implementing those policies. We will continue to train these inspectors on relevant policy and we will oversee its implementation.

24. Asylum seekers are often kept in detention for many months before their cases are adjudicated. This is of concern to many individuals on both sides of the aisle because asylum seekers who have been tortured or otherwise abused often suffer real harm by being detained for long periods. Do you have any plans to work on a program that would try to ensure that after an asylum seeker has been vigorously vetted and deemed not to be a security threat, they would become eligible for alternatives to detention programs? This is particularly important as far as vulnerable populations such as women are concerned.

A: We are committed to treating immigrants humanely while we sort out whether they represent a threat to our nation's security. Accordingly, INS is currently developing several alternative detention programs--such as electronic monitoring--that are not only more humane, but less costly.

Post-Hearing Questions for the Record
Submitted by Senator Shelby
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

Question One:

Governor Ridge, I am glad to see that the Homeland Security Act (HSA) signed into law adopted several of the intelligence sharing proposals I strongly recommended when I appeared before this Committee last year. At that hearing, I stressed, among other things, the importance of giving the new Department of Homeland Security (DHS) unfettered access to raw terrorism-related intelligence collected by federal agencies. This proposal is reflected in §202 of the HSA which provides that the Department shall have access to all "reports, assessments, analyses, and *unevaluated* intelligence" relating to terrorist threats against the United States.

While I believe the HSA establishes a basic structure to allow the Department's Office of Information Analysis to serve as an all-source, fusion center of intelligence, establishing an information-sharing infrastructure does not by itself reduce the threat of terrorism. In fact, if we simply develop an information-sharing infrastructure, but do not ensure that the information analysts at DHS have access to *all* terrorism-related intelligence, we have failed in our mission to create a safer homeland.

In your answers to the pre-hearing questionnaire provided to you by the Committee, you stated that you do not anticipate any obstacles to obtaining intelligence information from other federal agencies. Unfortunately, as I have learned on the Intelligence Committee, intelligence collectors are very reluctant to share their information with others. This was a major problem identified by the joint Senate-House inquiry into the intelligence failures of September 11th.

If your Department is to succeed, it is crucial that no agency withhold any information your analysts might need. Because no other analytical organization will have the breadth of responsibilities that yours will, and because it will quickly acquire a unique expertise in homeland protection, you will face huge problems if you allow bureaucrats at other, more narrowly-focused agencies – such as the CIA, FBI, and NSA – to dictate to you what your analysts may be permitted to see.

Congress wrote the Homeland Security Act in order to give you statutory authority to ensure that your analysts get everything they feel they need. Under the law, the only person who can tell you "no" is the President himself. CIA Director George Tenet has said publicly that he does not intend to allow Homeland Security analysts to have any access to so-called "raw" intelligence.

Can you assure us here today that as Secretary of Homeland Security, you will use all your legal authority to ensure that your analysts get everything they feel that they need in order to protect Americans from terrorism?

A: Yes. Along those lines, we are ensuring proper access to information in a number of ways. As a formal matter, we are entering into formal agreements for the sharing of information. We also are making sure that we co-locate DHS analysts with personnel from the CIA, FBI, NSA, and other agencies both in the Homeland Security Center and also in the TTIC, in order to promote DHS access to information and, as well, to ensure that other agencies have access to our information. Finally, we will constantly review our information sharing needs against what we are obtaining, and develop and coordinate any recommendations or training that is necessary to ensure the full extent of information sharing permitted by law.

Question Two:

Governor Ridge, the intelligence committees of Congress have long been frustrated with the government's problems in developing information-technology systems that permit rapid, automated information-sharing and data-base access between agencies. We desperately need to overcome the "stovepipes" that separate information within the government, but current information technology initiatives have been doing too little, too slowly. Congress wrote the Homeland Security Act in order to give the new Department authority to "establish and utilize . . . a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information" so that the Department might fulfill its analytical responsibilities.

How do you plan to use this authority to ensure rapid and efficient sharing of threat information within the federal government?

A: The planned information technology architecture and eBusiness process will enable us to do those things mentioned – particularly when it comes to information sharing and communicating with State and local authorities. The CIO is currently mapping our complex and unique business processes in order to form flexible and efficient information technology architectural recommendations.

Question Three:

Governor Ridge, the information-analysis office within the new Department will have a uniquely important role as the only place in the entire federal government where all information related to potential terrorist threats and all information related to infrastructure vulnerabilities is fused. I believe that you will need a highly elite and highly cleared group of analysts with a deep understanding of both types of information. You will also need enough of them to enable the Department to do its job and to maintain a well-grounded and independent analytical perspective. Unfortunately, our government

has seldom looked for infrastructure-vulnerability analysts before, and there is a notable shortage of good intelligence analysts.

How do you propose to meet the Department's need for qualified analysts in the short term and in the long term?

A: In the short term DHS will rely on a small but experienced cadre of analysts from entities transferring into DHS, detailees from the IC, national laboratories, and qualified contractor support. Over the longer term we will add to this core with experts from other federal agencies, the private sector and academia.

Question Four:

Governor Ridge, there are currently no national standards for WMD first responder training. While the National Fire Protection Association has developed guidelines for WMD response, these guidelines are recognized only by the fire service and even then they are not mandatory.

As the events of September 11th have shown us, the emergency response to a WMD incident would involve many different disciplines such as fire, police, EMS, as well as others. In many cases, the emergency response could also include first responders from several jurisdictions. In order to form an efficient response effort, it is imperative that these first responders be able to act as a cohesive unit. I am concerned, however, that the lack of national training standards makes such cohesive action difficult.

If confirmed, would you support the development of national WMD response training standards through the Office of Domestic Preparedness for fire, law enforcement, emergency medical, emergency management, public health, and public works?

A: It is important that training standards be a partnership between DHS and consensus standards making bodies like the NFPA and others. FEMA and its United States Fire Administration, the Office of Domestic Preparedness should work collaboratively with the fire, police and emergency medical services organization and the standards making bodies such as NFPA, NIOSH, the emergency medical and law enforcement community to enhance existing standards and where necessary work to promulgate new ones.

Post-Hearing Questions for the Record
Submitted by Senator George V. Voinovich
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

Governor Ridge, the success of your Department will depend on putting in place an information technology system that will facilitate information sharing within your department and with other federal, state and local officials. Many experts believe that the best way to accomplish this is through the use of existing commercial technology. Can you please briefly outline the department's strategy for implementing an information technology architecture?

A: The DHS CIO has been working for several months with the CIOs of the incoming agencies, and with representatives of state and local governments, and the private sector, to provide input to the Department's enterprise architecture. We have now begun to involve program area experts within the department to validate work done to date, and to develop the desired end-state business processes. It is my understanding that the CIO has recently submitted his plan for developing our information technology architecture to Congress.

As part of this architecture, I understand that we will identify existing information technologies that can and will be used in deploying solutions necessary to achieve our strategic missions and objectives. In discussions with the DHS CIO, I know he concurs with industry experts that we can and must leverage both existing and emerging commercial technology.

Post-Hearing Questions for the Record
Submitted by Senator Joseph I. Lieberman, Ranking Member
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

Hart-Rudman Report

1. A recent task force, chaired by former Sens. Gary Hart and Warren Rudman, has warned that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil." It also warns of signs that the nation is "lapsing back into complacency" regarding the terrorist threat. While the task force recognizes that some vulnerabilities will take a long time to address, it also identifies a host of urgent priorities that can and should be addressed at once. Some of these urgent action items include: port security, protecting our critical infrastructure, giving state and local officials better access to threat information, setting up interoperable communications systems for first responders, and working with Canada to better secure cross-border bridges and pipelines. Are there any of the Commission's action recommendations you are prepared to move on expeditiously?

   A. First of all, let me again commend the Commission for its tremendous body of work in attempting to characterize our nation's homeland security needs and recommending actions. The President has taken action to address our nation's needs and has devised a National Strategy for Homeland Security that we are carrying out. In fact, this Department was born out of the need for better coordination of the federal government's homeland security activities as well as developing further capabilities and improved interaction and communication with state, local and private sector partners. While much progress has been made since September 11th, there is still work to be done. While we have not agreed with all of the Commissions' recommendations, we welcome its insights and efforts. I will continue to work within the Administration, with the Congress and with our state, local and private sector partners to move ahead in our critical homeland security mission.

2. Perhaps the best example of the lack of urgency this report warns of, was the President's failure to certify $2.5 billion of emergency spending for homeland security last summer. This money could have been on its way to first responders and federal agencies alike for a variety of critical homeland security projects. How can the Administration justify keeping this money from going out?

   A. Unfortunately the statutory language of the Supplemental Appropriations Bill that contained these funds did not give the Administration the flexibility to separate them from billions of dollars of other, unrequested, non-security related expenditures.

3. Not all of the task force recommendations involved spending. Federal agencies still appear to be distrustful of sharing timely information with state and local law enforcement, such that they can be true partners in the war on terrorism. What have you done to confront this problem and why, more than one year after September 11, do state and local officials feel so little has changed?

A. I believe that many improvements have been made with respect to providing information to local state and law enforcement, but like the Hart-Rudman report points out, much more can be accomplished. We have been working with State and local law enforcement since the Office of Homeland Security was established. We will continue to reach out and coordinate with law enforcement organizations to remedy this situation.

The Office of Management and Budget in coordination with the Office of Homeland Security has developed draft guidance for developing procedures for sharing sensitive homeland security information with other Federal agencies and appropriate State and local personnel. When finalized, this guidance will be published in the Federal Register for public comment.

In addition, the Homeland Security Advisory System (HSAS) provides a comprehensive framework to disseminate information regarding the risk of terrorist attacks to Federal, State, and local authorities and the American people. Many State and local entities, for example, Utah, Virginia, and Illinois, have implemented their own version of the HSAS tailored to their specific needs. In mid-February 2003, OHS and FBI conducted formal training on HSAS with State Homeland Security Advisors and law enforcement organizations (Fraternal Order of Police, International Association of Chiefs of Police) to assist them in understanding the system and provide information on the development of protective measures for each threat condition.

Pursuant to Section 201 of the Homeland Security Act, the Department of Homeland Security will be responsible for reviewing, analyzing, and making recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and between the Federal Government and State and local government agencies and authorities.

The Department will also be responsible for the dissemination, as appropriate, of information analyzed by the Department, to agencies of State and local governments and private sector entities with such responsibilities so that all levels.

4. Many of the nightmare scenarios floated about a possible attack involve the ports. The government currently searches only about 2 percent of the millions of containers entering the country each year, and these containers could become entry vessels for a weapon of mass destruction. Acknowledging that there is not a quick fix to the overall question of managing this container traffic, it nonetheless appears that the government has not had a sense of urgency about closing some of the gaps that could be addressed in the short-term

– such as improving physical security at the ports. Yet the Hart-Rudman task force and others warn that there has not been sufficient attention to this need, and that the funds that have been available have not necessarily been allocated according to greatest strategic importance to homeland security. How do you respond to the criticisms that the funds have not been allocated according to strategic importance?

A.. We share the Congress' concerns and are working to reduce vulnerabilities and improve physical security at ports. As part of a multi-layered defense, we are hard at work closing those gaps in a thoughtful but rapid manner. The Border and Transportation Security Directorate and its component agencies, the Border of Customs and Border Protection (BCBP) and TSA, together with the Coast Guard have a number of ongoing initiatives to reduce our port vulnerabilities. The recent transition of these border and transportation security-related agencies into DHS will ensure even greater coordination than previously possible.

For example, BCBP's Container Security Initiative now has agreements with 19 foreign nations to target, screen, x-ray, and further examine high risk containers before they enter the United States; the Customs Trade Partnership Against Terrorism (CTPAT) is a Government-Industry partnership to increase supply chain security and therefore reduce container vulnerabilities; BCBP has already deployed 112 large scale Non-Intrusive inspection (NII) systems at our Nation's border ports of entry, and more systems have been ordered.

Operation Safe Commerce, a TSA-led initiative, examines container security in supply chains in three major load centers: the Port Authority of NY/NJ, Ports of Los Angeles, Long Beach, Seattle and Tacoma. Lessons learned will help us develop effective approaches to transportation security across the nation; further, TSA is conducting cargo threat assessments to analyze the threat of acutely toxic chemical incidents on the transportation system and identifying mitigation strategies for all modes of transportation, including marine. TSA, in consultation with the Coast guard and MARAD, has already awarded one round of port security grants and is in the process of awarding a second round to help share the burden of security assessment and enhancements at critical seaports across the nation.

Simultaneously, the Coast Guard is conducting standardized comprehensive port security assessments on the nation's militarily and economically strategic ports to assess port-wide systems and essential shared infrastructures. This holistic approach will "fill in" the assessment gaps conducted by each individual port facility (as required by the recently enacted Maritime Transportation Security Act and supported by the grant program). And together with BCBP, the Coast Guard is working with the international Maritime Organization to develop requirements for port and vessels security plans to improve the security of cargo in the international trade. The Coast Guard has also benefited from additional billets, vessels and funding support to enhance its planning, prevention and response capabilities.

National assessment capabilities will fall under the Information Analysis and Infrastructure Protection Directorate which will help ensure a consistency of approach and prioritization of requirements. This multi-pronged strategy will help address the shortcomings identified in the Hart Rudman report, and together with the Congress, we'll establish a sustainable security.

Intelligence

5. Governor it appears that we have very different interpretations of the responsibilities of the Directorate of Information Analysis and Infrastructure Protection with respect to preventing acts of terrorism. My vision is that, while the Directorate clearly has responsibility for fusing and analyzing intelligence, and using that intelligence to protect our transportation systems, financial systems, computer networks, and other critical infrastructure, that it is also responsible for developing analysis - "connecting the dots" if you will, in order to protect people - to disrupt potential plots before they can come to fruition. That reflects the compromise we reached between the Administration's original proposal and the language which was reported by the Governmental Affairs Committee.

The language in the Homeland Security Act (Sec. 201(d)(1)) states explicitly that the responsibility of the Under Secretary for Information Analysis and Infrastructure Protection shall be to analyze information and intelligence in order to "(A) identify and assess the nature and scope of terrorist threats to the homeland, (B) detect and identify threats of terrorism against the United States and (C), understand such threats in light of actual and potential vulnerabilities of the homeland." I want to emphasize the responsibility to "detect and identify" threats.

- How do you interpret the responsibility to *detect* terrorist threats?

A: We will detect threat in several ways: As part of the intelligence community IAIP analysts will receive threat information from other agencies and conduct threat-vulnerability mapping to provide risk analysis that includes identifying potential targets. Additionally, the IAIP Directorate will maintain 24/7 watches as part of the Homeland Security Center that will ensure immediate sharing of operational information (such as surveillance reporting by law enforcement) that affects the threat picture. As "action officers," IAIP analysts will be responsible for ensuring threat information is actionable and informative for the customer. Access to all-source intelligence and real-time connectivity with other parts of the government will provide a detection system that meets the intent of the Act.

- Doesn't this mean that DHS will be responsible for *detecting threats* and passing on that analysis so that hopefully they *can be* disrupted by the agencies with that responsibility?

A: As mentioned in the previous paragraph, our analysts will be responsible for relaying the threat information and ensuring protective (including disruptive) measures are undertaken by the agencies with those responsibilities. The stand-up of the Department's

Homeland Security Center will ensure threat information is translated into action in the quickest possible way. Other agencies with protection missions will be present in the Center and all components of the Center will be working side-by-side 24/7 to make sure protective measures are implemented.

6. Section 201 (d)(9) of the Act states that the responsibilities of the Directorate include "to disseminate information, as appropriate, analyzed by the Department within the Department, to other agencies of the Federal government with responsibilities relating to homeland security, and to agencies of State and local governments and private sector entities with such responsibilities in order to assist in the *deterrence, prevention, preemption of, or response to,* terrorist attacks against the United States." Your description of the preventive aspects of the Department's work sounds more like deterrence. We can deter attacks on some targets by hardening them so that terrorists find softer targets. That's important. But it's even more important that we do everything possible to prevent attacks by uncovering what terrorists are planning, finding out where the sleeper cells are, and making sure that their plots are disrupted before they strike. In my view, the Department has a critical role to play in literally "preventing" terrorist attacks - as the statute states. Are you suggesting that the statute needs to be amended to make this more clear?

A: The statute provides the Department with the necessary authorities to ensure that a broad-based protection program is undertaken. The IAIP Directorate will do everything possible to assess both threat information and the sector vulnerabilities. Working in and with the threat side, for example, analysis of terrorist' methodologies, including those relating to specific terrorist cells, will directly assist the law enforcement and intelligence to disrupt terrorist's plots before they can strike. On the vulnerability side, the IAIP Directorate has crosscutting responsibilities to ensure that protection plans are developed that include deterrence, defense, and response for all potential terrorist targets. This is not a narrow approach strictly focused on hardening; rather it includes an analysis of vulnerabilities, coordination with States, locals, other government agencies and the private sector to address the vulnerability in the best way for that facility or system, to include raising awareness and recommending best practices in order to detect terrorist activities in the planning stages. The solution to an identified vulnerability may be one of providing training, the application of technology, conducting response exercises and refining response plans or making modifications to the facility to make it difficult to plan attacks against. Changing the environment that the terrorist must operate in is also an effective way to deter and prevent, by complicating the terrorist's surveillance we will cause more mistakes on his part and increase the likelihood of detection. We are looking at "preventing" in the broadest possible terms.

First Responders

7. The Administration's proposal to provide new funds for first responders in the war on terrorism is coupled with proposals to cut existing federal support for traditional law enforcement missions, such as the COPS program for community policing. While there should undoubtedly be overlap and synergies between traditional policing and anti-terrorism efforts, local law enforcement is, quite simply, being asked to do more and we should recognize that they will need more resources to answer the call. How do you justify offsetting proposed new first responder funds with proposed cuts in existing programs?

   A: These proposals were not coupled in FY03 and they are not coupled in FY04. The FY04 Budget continues last year's proposal to streamline DOJ grant programs by replacing duplicative Byrne Grants, Local Law Enforcement Block Grants (LLEBG), and COPS hiring grants with a single consolidated Justice Assistance Grant program to address a wide range of traditional law enforcement needs, including hiring. The aggregate FY04 request level for Justice Assistance Grants is somewhat lower than the net FY03 level because of the need to redirect resources to Federal law enforcement's counter-terrorism initiatives, particularly the FBI. However, the FY04 Budget explicitly proposes to strengthen the anti-terrorism capabilities of state and local law enforcement by reserving no less than $500 million of the First Responder initiative for their counter-terrorism efforts.

8. Of the $3.5 billion for first responders proposed by the President, how much would constitute new dollars for states and localities? In addition to the proposed cuts in some existing crime fighting grants, I understand that the total essentially incorporates existing grants by the Office of Domestic Preparedness. Will there be any net increase in the total federal aid going to state and local law enforcement and other first responders?

   A: Compared to the $3,460 million that Congress provided in FY03 for various grants to law enforcement, fire fighters, and emergency response, the FY04 Budget requests $4,430 million for the same (or similar) programs, an increase of 28 percent. As in FY03, the First Responder initiative consolidates terrorism preparedness programs in DOJ and FEMA into a single consolidated program, while providing a dramatic increase over previous funding levels for those programs. Consistent with the Homeland Security Act, the FY04 Budget requests the $3.5 billion First Responder initiative within the $3,558 billion for the Office for Domestic Preparedness, which is now part of the Department of Homeland Security. The FY03 Omnibus provided $1 billion for ODP, and approximately $960 million for FEMA activities that will be addressed by ODP's terrorism preparedness grants in FY04.

9. Do you have any idea of what the real resource needs are at the local level - where homeland security begins? How has the Administration assessed the needs?

   A: Several needs assessments have been undertaken before and since September 11. The Department of Health and Human Services, the Justice Department, FEMA and the

United States Fire Administration have all undertaken needs assessments to address different aspects of emergency preparedness and first responder capability and needs. We will utilize these tools and others to prioritize grant program priorities in future years. These assessments show a tremendous capacity to respond, but also identify areas of improvement that can be addressed with a combination of federal, state and local resources.

10. Yesterday, unfortunately, the Senate failed to approve Sen. Byrd's amendment to the FY 2003 appropriations which would have provided funds for several critical homeland security needs. It would have restored the full $2.5 billion in homeland security funding in last summer's emergency supplemental appropriations bill - money for first responders among others – that was approved by Congress but which the President blocked from actually being spent. It sought to restore close to $1 billion that the Republican proposal cuts from various homeland accounts for FY 03, below the levels agreed to by Senate Appropriators last year. That $1 billion includes money for border security, such as funding new initiatives to identify suspicious container traffic and to keep track of who enters and exits our borders. The Byrd amendment also included $850 million to help states and localities implement the President's smallpox vaccination plan. Another $585 million would have gone to implement the new port security law – legislation that passed overwhelmingly in November but which to date has not been funded. Unfortunately, following the lead of the Administration, this amendment did not receive sufficient support from my colleagues on the other side of the aisle.

But I will ask you, Governor Ridge, can you state with certainty that these funds are not needed, right now, to improve our nation's defenses against terrorism? Can you tell me what you are basing your assessment on?

A: One of the challenges we face in establishing the new Department of Homeland Security is to prioritize among the variety of needs and demands for securing the Homeland. The FY02 and FY03 appropriations addressed many, though not all, of our top priorities. At the same time we had concerns about funding proposals that seemed premature or were not clearly tied to resource requirements. The FY04 Budget contains many new homeland security initiatives and increases to address the some of the issues you've raised. We hope that swift Congressional action on the FY04 Budget means we can get started with these on October 1. (strikethrough: The Administration will consult with Congress if other, immediate needs become apparent during FY03.)

Plans to develop countermeasures for biological agents

11. The Defense Science Board estimated that the U.S. has only one of the fifty-seven diagnostics, vaccines, and therapeutics it needs to respond to a bioterror attack. This assessment only applies to our preparedness for the top 19 bioterror threats; we are even less prepared to respond to the other possible threats. With the anthrax attack on the Senate, we had Cipro and we could tell people if they took it they would not die. But, we have no diagnostic for anthrax -- to catch it early -- and we have no diagnostic for smallpox -- to catch it early. We have very poor quality vaccines for anthrax and

smallpox. We have no treatments for late stage inhalation anthrax and we have no treatments for those who are infected with smallpox. And our preparedness for other biological agents is even worse. If we don't have diagnostics, vaccines and drugs, we could see public panic and massive economic damage. What plan do you have that will ensure that these countermeasures are developed?

A. The Department has been mandated to development and to prioritize the national research agenda for countermeasures to biological threat agents. This is the first time that such an endeavor has been attempted. It will be necessary to review the current existing R&D programs across the federal government, identify the gaps, balance the existing capabilities against the assessed risk (as demonstrated by the National Biowarfare Analysis Center), and address areas of inadequate funding/interest. This endeavor involves cooperating with a minimum of 13 federal agencies that have homeland security-related R&D budgets. National Security Presidential Directive-17/Homeland Security Presidential Directive-4 mandates the coordination of these efforts among the federal agencies through the Counterproliferation Technology Coordinating Council (CTCC) within the Executive Office of the President. The working group on weapons of Mass destruction medical countermeasures is charged with the following responsiblilities (among others):

1. Develop the annual national strategic plan that:
   - identifies priorities to reduce duplication and identify unmet research needs;
   - establish research-based definable goals;
   - establish measurable objectives and realistic timetables for the coordinated effort USG's agencies involved in biodefense research.
2. Biodefense research shall be defined as any research seeking to identify and develop countermeasures to biological threats or emerging bioterrorist threats, including, but not limited to – any R&D effort for detecting, preventing, treating, remediating, or attributing bioterrorist attacks.
3. Balance the research priorities, agendas, and budgets of the federal agencies against the risk assessment of the biological threat (as delivered by DHS, Information Analysis Directorate) and coordinate efforts to address unmet needs.
4. Establish and develop the long term (5 year) strategic plan for the needs and capabilities for all civilian biodefense research.

12. I'm focused on applied research here that will yield countermeasures we can stockpile and deploy. I'm sure basic research by academics is useful, but how are we going to ensure that the applied research goes forward?

A. The National Institutes of Health have stated clearly the need to engage in activities that take basic research and move them through the various phases needed for their eventual deployment. The President's Bioshield Initiative is one example of a mechanism for expediting the applied research and development process. Other mechanisms exist. For example, the creation of the Homeland Security Advanced Research Program Agency (HSARPA) in the *Homeland Security Act* defines an institutional infrastructure through which late stage developed technologies (including medical countermeasures)

can be transitioned through testing and evaluation and into manufacture, procurement and deployment.

Incentives for Applied Research on Bioterror Countermeasures

13. Senator Hatch and I have introduced legislation, S. 3148, which would provide incentives for the biotechnology and pharmaceutical industries to launch major research programs to develop countermeasures to biological, chemical and radiological agents, toxins and materials. Most believe that the biopharma sector has little or no incentive to engage in this research because there is either no established market or only a government market -- and it's not clear from the industry's point of view which of these possibilities is worse. Some argue that the industry is under considerable economic pressure. Others argue that the experience of Bayer with regard to Cipro -- when its price was challenged and threats were made against its patent -- is not a confidence builder for the industry.

- Do you believe there is a need to enact incentives to engage the biotechnology and pharmaceutical sector in developing countermeasures?

- Do you believe the biopharma sector will find this research of interest if we don't provide it with special incentives?

- What specific comments do you have about the incentives that Senator Lieberman and Hatch have proposed?

A. It is clear that the pharmaceutical and biologics industry need incentives to engage in R&D, testing and manufacture of countermeasures to biological and chemical threat agents. The President announced Project *BioShield* -- a comprehensive effort to develop and make available modern, effective drugs and vaccines to protect against attack by biological and chemical weapons or other dangerous pathogens. Specifically related to the question, the proposed legislation for Project BioShield will ensure that resources are available to pay for "next-generation" medical countermeasures. The proposed legislation creates a permanent indefinite funding authority to spur development of medical countermeasures. This authority will enable the government to purchase vaccines and other therapies as soon as experts believe that they can be made safe and effective, ensuring that the pharmaceutical and biologics private sector devotes efforts to developing the countermeasures. The Secretary of Homeland Security and the Secretary of Health and Human Services will collaborate in identifying critical medical countermeasures by evaluating likely threats, new opportunities in biomedical research and development, and public health considerations.Project BioShield will allow the government to buy improved vaccines or drugs for smallpox, anthrax, and botulinum toxin.

Use of the proposed BioShield authority is currently estimated to be $6 billion over ten years. Funds would also be available to buy countermeasures to protect against other dangerous pathogens, such as Ebola and plague, as soon as scientists verify the safety and effectiveness of these products.

The administration is currently in the process of developing a position on S.3148.

14. The legislation retains presidential power to exclude employees from union rights for national security reasons, but, except for that, employees of the new Department will still have the right to be in a union and to bargain collectively. However, the legislation does allow the Secretary to make some regulatory changes to the current collective bargaining law. I would like to get your assurance that you do not intend to make changes that would provide for collective bargaining in name only. For example, things like independent third party review of disputes, and a prohibition against retaliation for union activity are fundamental to any collective bargaining system. Can you assure us that these kind of fundamental tenets of collective bargaining will be retained in the new department?

    A: Where there are recognized unions with collective bargaining rights, we will continue to assure the fundamental tenets of collective bargaining such as independent third party review of disputes and prohibition against retaliation for union activity.

15. In your remarks to the National Association of Regulatory Utility Commissioners (NARUC) on October 31, 2002, you explained the importance of protecting critical energy infrastructure, such as power plants and gas pipelines in the United States. Yet according to the Hart-Rudman report, our energy supply systems are still dangerously vulnerable – raising the possibility of multi-state blackouts for extended periods. Moreover, we must be concerned about critical energy infrastructure beyond our borders. For instance, 30% of California's natural gas supplies come from Canada, and a significant portion of the Northeast's electricity comes from Quebec. What is being done to protect these energy systems? What, in particular, do you plan to do to protect cross-border energy infrastructure?

    A: The Department has assumed responsibility for the protection programs associated with several key infrastructures, telecom, transportation, cyberspace and energy. The transfer and integration into the Department the functions of the FBI's National Infrastructure Protection Center, the Critical Infrastructure Assurance Office from the Department of Commerce, the Federal Computer Incident Response Center from GSA, the National Communications System from DOD, and the Office of Energy Assurance from the Department of Energy have provided the Department with core capabilities focused on the protection of this nation's critical infrastructures. As a result of this change DHS has inherited many programs that are specifically designed to reduce the vulnerabilities you mention here. We intend to continue to work with DOE regarding system reliability issues in the energy sector such as identifying energy facilities that are critical to larger system operations and we are putting great effort into understanding the interdependency issues associated with the various infrastructures. Additionally, we have established formal critical infrastructure protection agreements with the governments of Canada and Mexico. We have been working diligently over the past six months to identify critical cross-boarder infrastructures, determine specific vulnerabilities associated with these infrastructures and implement appropriate protective measures. We have established bi-national working groups with each country in the areas of energy,

transportation, food and agriculture, telecommunications, and water systems to carry this important work forward.

Water

16. The Hart-Rudman task force reports that local water authorities are unprepared for the new security challenge and "America's water supply is extremely vulnerable to contamination." How do you assess the security of our water supplies? What should be the role of the federal government in addressing this challenge and aiding local water authorities?

A: The extent to which our community water systems may be vulnerable is site and threat specific, and is currently being evaluated on a site-specific basis by the EPA, as the federal agency with sector lead responsibility and pursuant to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. The EPA and the FBI have been working closely with state and local officials to put in place protective measures, and the NIPC has established a close relationship with the Information Sharing and Analysis Center for the water sector led by the Association of Metropolitan Water Agencies. DHS will work closely with EPA, FBI, and other agencies to continue to build upon the good work already done in this area, as well as continue close collaboration with the owners and operators of our nation's water systems. The role of the federal government in this area is similar to that of other sectors--we will assist states and locals in the development and implementation of protective measures and corrective actions.

Agriculture

17. Food and agriculture are also critical industries to the nation's health and economy, yet there is no equivalent of the CDC to provide vital coordination and communication in the event of a contamination attack in this sphere. What more do you think is needed to protect our crops and livestock, and what steps have you taken thus far, as Director of OHS, to increase security in this realm?

A: The National Strategy for Homeland Security issued by the President in 2002 recognized Food and Agriculture as one of the nation's critical infrastructures. The Administration just recently released The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets, with broad input from across government and industry. Foundations for securing these sectors may already exist with their historical focus on food safety. Further work needs to be done to determine how these foundations can be expanded to food security. The National Strategy specifically lays out the following initiatives as a starting point for additional work:

- Undertake a broad risk assessment of the sectors and identify vulnerabilities on which to take action
- Acknowledging the sectors' dependency on other infrastructures, assess transportation related security risks

- Enhance detection and testing capabilities across the agricultural and food networks, which may include technology development and increasing technical specialists and laboratory capacity
- Since the vast majority of the sectors are owned and operated by private industry, with many medium to small sized businesses, explore options for incentives or reducing disincentives to encourage prompt reporting of problems
- Develop a sector strategy to coordinate risk communications and other emergency response activities

DHS would work in collaboration with the Departments of Agriculture, Health and Human Services, and Transportation to assure progress on these initiatives.

Post-Hearing Questions for the Record
Submitted by Senator Carl Levin
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

Relationship between whistle blower protections and the Homeland Security Act

I am concerned that the Homeland Security Act would undermine whistleblower protections and subject to criminal penalties any whistleblower who disclosed unclassified critical infrastructure information. In your written response to pre-hearing questions from the Govt. Affairs Committee, you were asked to whom whistleblowers could disclose unclassified critical infrastructure information. You responded that you would consult with the White House and other executive branch officials to determine whether and to what extent this unclassified critical infrastructure information could be disclosed. You also responded that you would consult with the White House and executive branch officials to determine the appropriate channels for whistleblowers to securely share unclassified critical infrastructure information. Please describe what you have learned.

It is unclear how the new criminal penalties that apply to disclosures of unclassified critical infrastructure information in the Homeland Security Act relate to the Whistleblower Protection Act, which protects whistleblowers from certain retaliatory actions as employees. At the hearing you seemed to agree that criminalizing these whistleblower disclosures of unclassified critical infrastructure information was not the intent of the Homeland Security Act. To make that clear, would you support the Leahy/Bennett/Levin FOIA language which was included in the Govt. Affairs Committee bill? If you do not support the Leahy/Bennett/Levin language, please explain what amendments to either the Homeland Security Act or the Whistleblower Protection Act you would recommend to ensure that Department of Homeland Security whistleblowers are not subject to criminal penalties.

In addition, the language in the Homeland Security Act appears to apply the criminal penalties of releasing unclassified critical infrastructure information to "an officer or employee of the United States or of any department or agency." Would this language hold Members of Congress and their staff criminally liable for the release of unclassified critical infrastructure information? Would a member of Congress have to rely on the Speech and Debate Clause in order to release such unclassified information?

A: Consultation and discussion with White House and executive branch officials with respect to appropriate mediums or procedures for information-sharing are on-going and it would be inappropriate at this time to address the content of those discussions. Any decision regarding whether and to what extent information about unclassified critical infrastructure information

could be disclosed will be guided by applicable law, including Section 214 and Title VIII, Subtitle I of the Homeland Security Act.

As to the interpretation and potential prosecution of criminal penalties, I defer to the Department of Justice, as the Department of Homeland Security does not prosecute crimes of any sort.

GAO Access

Will you pledge that you will work with the General Accounting Office (GAO) and give them access to DHS records, information, and personnel as necessary?

A. The Department of Homeland Security intends to cooperate fully with the General Accounting Office to the extent required by law in providing GAO access to personnel, records, and information in furtherance of GAO's authorized activities. DHS intends that access will be provided in the most efficient and responsive manner as possible.

Chemical and Biological Defense

The Department of Defense and the Department of Homeland Security will have similar needs for technology and programs related to defending against and mitigating the consequences of the use of chemical or biological weapons or agents. Since the Department of Defense has been working on chemical and biological defense technology (both non-medical and medical) for decades, it is important that the Department of Homeland Security coordinate its efforts with DOD carefully so as to avoid duplication of DOD's efforts or to use limited resources to develop technology that already exists.

How will you ensure that the Department of Homeland Security programs for defending against and managing the consequences of the potential use of chemical or biological weapons is fully coordinated and complementary with the Department of Defense Chemical and Biological Defense Program, and that DHS expenditures are not duplicative of DOD efforts?

A: The DOD and DHS have instituted a memorandum of agreement on this issue. Recognizing the unique capabilities of each department, the parties have agreed to develop a short term and long term strategic plan for the interaction of the DOD [particularly the U.S. Army Medical Research and Material Command (USAMRIID)] with DHS to capitalize upon these strengths and maximize productivity. The areas of concern address common R&D efforts that include biodefense vaccine and immunologic R&D and testing and evaluation. As mentioned in the previous answer, both the DOD and the DHS will be major parties in the multi-agency committee addressing biodefense vaccines and immunologic countermeasures so that issues of manufacture and procurement can be optimized across the federal agencies.

Vaccines

The Department of Defense and the Department of Homeland Security each will have unique needs for vaccines and other medical countermeasures to biological agents. How will you ensure

that DOD and DHS vaccine development and production programs are effectively coordinated, complementary, and not duplicative?

A. DHS and DOD will coordinate all bio-defense research activities, including vaccine research, at two levels that have already been established. The first level is the Bio-defense Research Coordinating Council that is co-chaired by the National Science and Technology Council (NSTC) and the National Security Council (NSC), the Homeland Security Council (HSC) and the Office of Management and Budget (OMB) within the Executive Office of the President. This mechanism will coordinate all U. S. government (both military & civilian) policy and strategic plans for research and development for bio-countermeasures. At the operational level, the National Bio-defense Analysis and Countermeasures Center (NBACC) within the interagency bio-defense campus at Ft. Detrick will closely liaise with DOD, HHS, and DHS on all matters related to bio-countermeasure research, development, test and evaluation, including vaccine research, development and production. DHS has worked closely with DOD and HHS in coordinating research on vaccines, including plans for possible sharing of joint facilities.

Vaccine testing facilities

Given the increased need for testing vaccines in clinical trials using animals, it could be wise for the Department of Homeland Security and the Department of Defense to cooperate in building the necessary research, development and testing infrastructure and facilities to help bring new vaccine candidates through development and testing for approval. How will you ensure that DHS and DOD cooperate on vaccine testing facilities, including possibly joint or shared facilities, to make sure that the nation's military and civilian vaccine testing needs are adequately and efficiently met?

A. DHS and DOD will coordinate all bio-defense research activities, including vaccine research, at two levels that have already been established. The first level is the Bio-defense Research Coordinating Council that is co-chaired by the National Science and Technology Council (NSTC) and the National Security Council (NSC), the Homeland Security Council (HSC) and the Office of Management and Budget (OMB) within the Executive Office of the President. This mechanism will coordinate all U. S. government (both military & civilian) policy and strategic plans for research and development for bio-countermeasures. At the operational level, the National Bio-defense Analysis and Countermeasures Center (NBACC) within the interagency bio-defense campus at Ft. Detrick will closely liaise with DOD. HHS and DHS on all matters related to bio-countermeasure research, development, test and evaluation, including vaccine research, development and production. DHS has worked closely with DOD and HHS in coordinating research on vaccines, including plans for possible sharing of joint facilities.

Post-Hearing Questions for the Record
Submitted by Senator Daniel K. Akaka
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

1. Senator Durbin and I, joined by others on the Governmental Affairs Committee, introduced S. 1800, the Homeland Security Federal Workforce Act, last year to help the federal government compete with the private sector for high-demand employees. Our bill would establish programs, such as dedicated loan repayment funding and a national security graduate fellowship program, as incentives to prospective and current federal employees. These programs would encourage foreign language experts, scientists, engineers, and other professionals to work for the federal government, which would greatly enhance our short-term and long-term national security goals.

   Are the skills and people targeted in this bill the same that are needed in the Department of Homeland Security?

   A: The Department of Homeland Security needs highly skilled individuals in a wide range of disciplines -- significantly in law enforcement and law enforcement related functions – including some of those targeted by S. 1800.

2. As with many federal agencies, it has been reported that the Department of Homeland Security may lose nearly 50 percent of its workforce to retirement in the next few years. To address this concern, the State Department and others have offered student loan repayment as a way to recruit and retain a talented workforce. Do you plan to use student loan repayment authority currently available to help attract and retain federal employees in the new Department? Do you believe the enhanced program in the Homeland Security Federal Workforce Act could be beneficial to the Department of Homeland Security?

   A: We do plan to use the student loan repayment authority. As we develop the new human resource management system for the Department of Homeland Security, we will look for other innovative programs that will enable us to recruit and retain talented employees.

3. In addition, the Department of Homeland Security was created in order to better coordinate homeland security functions. However, closer proximity does not equate to coordination. The Homeland Security Federal Workforce Act contains a provision to provide rotational assignments for employees in agencies with national security functions to better facilitate coordination among the entities as well as provide professional development opportunities. What policies or programs do you plan to implement at the

Department of Homeland Security to knock down cultural barriers and ensure that the transferred entities in fact do have better coordination?

A: The provisions for rotational programs in both Border Security and Citizenship and Immigration Services will be one way to knock down cultural barriers. In addition to these programs, we will use the development of the new human resource management system as an opportunity to address policy or structural barriers to better coordinate among employees. The strategic goals of the recently submitted reorganization plan for the Border and Transportation Security Directorate include integrating departmental functions and strengthening information sharing. We will continue to explore ways to ensure coordination within the Department and with state, local, and private sector partners.

4. You stated in your pre-hearing questions that the Department's Civil Rights Officer will be charged with reviewing and evaluating any allegations that employees and officials of the Department have violated civil rights or liberties of individuals.

Because the Homeland Security Act is silent on how to address civil rights violations, what procedures do you envision being followed if the Civil Rights Officer finds that a civil rights violation has occurred?

A: The Civil Rights Officer will address alleged civil rights violations under existing Federal laws and procedures governing Federal departments and agencies. The Department recently promulgated regulations implementing these procedures as they pertain to complaints alleging discrimination based on race, sex and handicap. It is also anticipated that additional regulations will be promulgated implementing other provisions concerning other aspects of civil rights and liberties. The Department and its employees, including the Civil Rights Officer, will be governed and guided by these regulations and other applicable Federal policies.

Post-Hearing Questions for the Record
Submitted by Senator Richard J. Durbin
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

The Role of the National Guard
I remain concerned about how the new Department will coordinate with the National Guard units that will be deployed both on the National and State levels during a crisis. The Department of Defense has set up a new command for the United States, NORTHCOM, that will coordinate both active duty, reserve, and National Guard troops. The Governors also can call up National Guard forces. These forces play an important role in homeland security. I do not see a mechanism in place for the new Department to coordinate with the Governors. Moreover, as we prepare for a possible war with Iraq, many National Guard units have been called up and are not available on the local level. What planning is being done to ensure that National Guard units will in fact be available for homeland defense in a time of crisis?

A: I certainly agree that the National Guard units serve critical roles on both the National and State levels during a crisis and that these are trying times for the use of such deployed units particularly as we prepare for a possible war with Iraq. However, these issues on the use of the National Guard for their respective missions are not new. What is new is that we now have a focused Department for providing security to the homeland and I can assure you, that my entire Department will work tirelessly and effectively coordinate with Federal, State, and Local officials on the use and deployment of all resources, including the National Guard, to make this nation a safer place. To communicate more effectively with both DHS amd DOD, the Guard has recently received approval to expand DOD's SIPRNET connectivity to all 54 states and territories which will significantly improve their ability to be appraised of our situational awareness posture during national emergencies. To date 24 states have received SIPRNET connectivity. In addition, the Guard continues to improve the operation of its GUARDNET for secure and guarded internet and intranet capability.

Partnerships to Promote Security
What public/private initiatives and partnerships have been formed (or are contemplated) to promote security in the war on terrorism within our nation's borders?

As an example of such endeavors, I am familiar with and bring to your attention an initiative under which the Aircraft Owners and Pilots Association has partnered with the Transportation Security Administration (TSA) to develop a nationwide program to report suspicious activity. This helps general aviation keep our airports secure without expensive security requirements. AOPA Airport Watch is supported by a toll free hotline (1-866-GA-SECURE) for reporting and acting on information provided by general aviation pilots. The Airport Watch Program includes

warning signs for airports, informational literature, and training videotapes to educate pilots and airport employees as to how the security of their airports and aircraft can be enhanced.

A: As part of his responsibilities outlined in the legislation that created the Department, the Special Assistant to the Secretary for Private Sector has been tasked to "promote public-private partnerships to provide collaboration and mutual support". Towards this end, the Office for Private Sector in the Office of the Secretary will have a robust staff that will engage the private sector as well as federal, state, and local governments. Building on relationships that have been built by the Office of Homeland Security as well as those migrating to DHS from component agencies, coordination and cooperation with the private sector is a cornerstone of Homeland Security.

Additionally, the Special Assistant to the Secretary for Private Sector has begun work to develop the "business case" for Homeland Security. The office will engage in outreach to encourage business practices and solutions relating to Homeland Security that are cost-effective and productivity-enablers for private enterprise and to encourage that the technologies being developed for government use are available for private sector dual-uses.

One important part of this exercise will be to demonstrate the benefits that can come from investing in a close relationship with Homeland Security. From better data security to a more secure supply chain, managers can make their whole enterprise stronger by working with DHS and, by doing so, make DHS that much more effective. This effort will call on expertise and advice from stakeholders from federal, state and local governments as well as the private sector.

Some examples of such partnerships and programs are:

Information Sharing and Analysis Center (ISAC)

An ISAC (Information Sharing and Analysis Center) comprises a secure database, analytic tools, and information gathering and distribution facilities designed to allow authorized individuals to submit either anonymous or attributed reports about information security threats, vulnerabilities, incidents and solutions.

The FBI's National Infrastructure Protection Center (NIPC) includes investigators and analysts experienced in computer crimes and infrastructure protection. It is linked electronically to the rest of the federal government, including other warning and operation centers, as well as private sector Information Sharing and Analysis Centers (ISAC). The NIPC will be integrated into DHS Information Analysis and Infrastructure Protection (IA & IP)

CEO ComLink

The Business Round Table (BRT) has been involved with OHS since the inception of the Office of Homeland Security in 2001. Michael Armstrong, (at the time CEO of AT&T) supported the idea of having a secure communications capability in time of crisis for the nation's business leaders. The calls allow top government officials such as Department of Homeland Security, Secretary Tom Ridge to brief CEOs on developments and threats. The calls also allow CEOs to

ask questions or share information with government leaders and with each other. Business rules have been established to govern calls and handle sensitive information.
As a result, BRT in concert with OHS stood up an initial operating capability in June2002 for CEO ComLink to link BRT's 145 CEOs of some of America's largest companies. Three calls have taken place since its inception.

Trade Associations
There are many large trade organizations who have worked closely with the government on a myriad of issues related to Homeland Security in a collaborative fashion. For example, during October 2002, the Council on Competitiveness and Carnegie Mellon University convened the nation's top leaders from business, government, labor and academe to discuss a national agenda that links the need for tighter security to increased economic competitiveness, identifies opportunities for public-private collaboration, and outlines public and private policies or investments that could help protect critical economic assets.

Governor Tom Ridge and his staff at the Office of Homeland Security attended the event and support the efforts the private sector has undertaken in this arena. Several organizations are partnering in this effort: the Business Roundtable, the National Academies, the National Association of Manufacturers, and the National Governors Association.

Customs Trade Partnership Against Terrorism (C-TPAT)
Customs C-TPAT is a joint government-business initiative to build cooperative relationships that strengthen overall supply chain and border security. C-TPAT recognizes that Customs can provide the highest level of security only through close cooperation with the actual participants in the supply chain: importers, carriers, brokers, warehouse operators and manufacturers. Through this initiative, Customs is asking businesses to ensure the integrity of their security practices and communicate their security guidelines to their business partners within the supply chain.

NCS
The National Communications System is a long-established program with the mission to assist the President, the National Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget in (1) the exercise of the telecommunications functions and responsibilities, and (2) the coordination of the planning for and provision of national security and emergency preparedness communications for the Federal government under all circumstances, including crisis or emergency, attack, recovery and reconstitution.

NCS initiatives include the following:
-*Government Emergency Telecommunications Service (GETS)* provides emergency access and priority processing in the local and long distance segments of the public switched network (PSN) to supports leaderships' ability to effectively communicate when the PSN is severely stressed.
-*Telecommunications Service Priority (TSP)* provides the operational framework for priority restoration and provisioning of NS/EP telecommunications service to reestablish regular communications services as soon as possible.

-National Coordinating Center for Telecommunications (NCC) a joint industry-Government operations center managed by the NCS, serves as the focal point for the initiation, coordination, and reconstitution of NS/EP communications services and facilities under all conditions of crisis or emergency.

Citizen Preparedness
In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department of Homeland Security will assume primary responsibility on March 1st for ensuring that emergency response professionals are prepared for any situation. This will entail providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery effort. The new Department will also prioritize the important issue of citizen preparedness. Educating America's families on how best to prepare their homes for a disaster and tips for citizens on how to respond in a crisis will be given special attention at DHS.

Vulnerability Assessments
DHS will conduct and coordinate specialized vulnerability assessments, by DHS assessment teams (for the highest priority infrastructures and assets), by teams from federal departments and agencies with infrastructure sector lead responsibilities, by state and local governments, and by private sector owners and operators. DHS assessment teams will conduct field activities to catalog specific vulnerabilities of the highest priority critical infrastructures and key assets. Government and industry will collaboratively develop assessment tools and methodologies, ensuring common criteria and consistent data collection. Assessments will employ several different methods: site specific, complex system, regional, statewide and advanced technical (for the development or updating of methodologies). The assessment process began in 2002 in selected sectors and will be expanded in 2004 to include all critical infrastructure sectors.

First Responders
Local government "first responders" (police, fire EMS etc.) –those on the front lines of the domestic war on terrorism–contend that "first responder" funds should come directly to them rather than being funneled through the states with 25% being cut off the top. Sen. Clinton has introduced legislation in the 108th Congress to assure that "first responder" funds can be sent to states or directly to localities. I am cosponsoring her bill.

The U. S. Conference of Mayors, along with the 5 major national and international police and fire fighter organizations, have sent a letter to all Members of the House and Senate asking that the Administration's proposed $3.5 billion in "first responder" funds be allowed to be sent directly to cities and counties–those directly on the front lines of the battle for homeland security–rather than through the state government as the Administration has proposed. How would you respond to this request by the Nation's mayors and front line law enforcement and fire fighting personnel?

Would you be willing to consider, rather than passing all money through the states, sending some funds directly to those communities most at risk of a terrorist attack, i.e., those communities with the most high rise buildings, an influx of workers during the work day, vulnerable public transit systems, ports, airports etc.?

A: It is important that the planning and purchasing of equipment, training and program support be a collaborative process between the federal, state and local governments. That planning process must include regional solutions to problems. It is therefore critical that money be provided to the states and through the states to the local governments to allow for this integration and coordination. The administration has proposed the money go through the state and that 75% be passed down to local governments to address planned needs. It is incumbent on state and local governments to work together in this process so that needs are identified, prioritized and addressed as funding is made available.

Post-Hearing Questions for the Record
Submitted by Senator Thomas R. Carper
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

1. In my view, creating an effective system for communication will be the single most important thing that needs to be done in setting up this new department. For the department to be able to prevent terrorist attacks, agencies will need to be able to talk to each other. The department will need to be able to communicate effectively with the Intelligence Community and the FBI. Information will need to flow freely between the department and state and local governments and first responders. Once the transition is complete, how do you envision information on suspicious behavior witnessed by a local police office move through the department and on to the FBI? How do you envision information on patterns of suspicious behavior witnessed by FBI agents in the field getting to local police? How will this process work during the transition?

   A: Communication is indeed the critical element to the success of the Department. Currently, law enforcement information, including criminal histories and BOLO (be on the look out) notices are transmitted via the National Law Enforcement Telecommunications System (NLETS). Every sworn law enforcement officer in America has access to NLETS. NLETS is a very valuable tool, but it only affords one-way push of information.

   Our goal in DHS is to create or adapt an existing system, using web-based technologies and incorporating access controls, which can link federal, state and local law enforcement officials, state Homeland Security representatives, and emergency service providers with DHS in a collaborative environment. This system will enable the two-way flow of information and will link in real-time, our officers and products with law enforcement sources. The content will be sensitive but unclassified, so our analysts will ensure that national intelligence source information is thoroughly scrubbed from information passed out to the field. This function will be managed from the Homeland Security Center, which will be linked with and have representatives from our Nation's Intelligence Community and the FBI. We have been in contact with state and local officials, the FBI and our partners in the intelligence business to assess system requirements and are working hard to refine those requirements.

2. Police, fire and emergency medical personnel in most parts of the country are accustomed to responding to events like fires, car accidents and natural disasters. In some communities, however, particularly those that are smaller or less populated, the idea that they would one day need to respond to a biological, chemical or nuclear event is a new one. What kinds of programs are under way now at FEMA to provide training on weapons of mass destruction response to first responders who have never thought of their

communities as a target before? How do you envision building on those programs in the new department?

A. FEMA has developed extensive training programs for first responders that are provided through a variety of formats and locations. Many of the terrorism preparedness programs are available on-line, through distance learning formats and through resident programs at the National Emergency Training Center in Emmitsburg, MD as well as through the field delivery programs at state and local emergency management and fire training academies. In fact over 90,000 fire and EMS personnel were trained by the National Fire Academy, housed at NETC, last year alone.

The Office of Domestic Preparedness, now also part of DHS, has an extensive catalogue of training programs, many of which were jointly developed with FEMA and are provided to first responders through a combination of direct delivery, major universities and specialty training at the centers of excellence in Alabama, Nevada and several of the Consortium universities.

It is critical that we provide first responders with WMD awareness and response training. We need to meld the terrorism programs offered from ODP and FEMA into a comprehensive training system. By building on their existing systems we can exponentially increase our ability to train these critical homeland security responders.

3. As you know from your days as a Member of Congress and Governor, FEMA's Fire Grant program has been a success in helping communities across the country meet their basic firefighting needs. It is also popular among firefighters because grants are awarded directly to fire departments. There have been some suggestions that the Fire Grant program be combined into the larger First Responder Program the president has proposed to funnel aid to state and local governments. Do you intend to keep the Fire Grant program independent of programs designed for Homeland Security Response?

A: The Assistance to Firefighters Grant Program, commonly known as the "Fire Act" has been extremely successful in the past two years, providing through a competitive grant process more than $460 million to local fire departments across the nation. This program's strength lies in the partnership between the federal government and the fire services community in setting the annual grant categories and priorities. Through that process the grant program has addressed Congress' intention of providing basic firefighting equipment, training and firefighter health and safety programs. It is quite frankly one of the most successful grant programs in the federal government.

As we look to the future, it is critical that fire departments have force capabilities to respond to WMD events. Many departments have already begun this process. The Assistance to Firefighters Grant Program with the First Responder Grants can help. I support keeping the Assistance to Firefighters Grant Program closely coordinated with the First Responder Grants, the two programs provide different but complimentary resources to address the nations overall preparedness levels.

4. As you know, volunteers provide a large percentage of fire, rescue and emergency medical services. They provide virtually all of it in Delaware. FEMA's Citizen Corps aims to encourage citizens to volunteer but is virtually silent on the volunteer fire service even though volunteer fire companies often face a tremendous challenge in retaining and recruiting personnel. What is your view on using Citizen Corps to strengthen volunteer fire companies?

   A. You are correct that volunteers serve with honor and distinction in much of the nation. FEMA's United States Fire Administration has been working to assist volunteer departments though training and education resources, through the Assistance to Firefighters Grant Program and through Citizen Corps. Late last year, Citizen Corps signed partnership agreements with the International Association of Fire Chiefs, the National Volunteer Fire Council and the National Fire Protection Association to address this very issue.

   Citizen Corps is actively pursuing the national adoption of the 1-800-FIRELINE volunteer fire and EMS recruitment program, run by the National Volunteer Fire Council. I actively promoted this program as Governor of Pennsylvania and it linked an estimated 2000 new volunteers with fire and EMS departments in the first two years.

5. As you know, fire, rescue and emergency medical service training is now delivered by existing state, county and local fire academies. Firefighters are comfortable with these existing training systems and they seem to be effective. What is your view of their effectiveness? Do you think the department should use these already established programs for delivery of homeland defense training?

   A: Existing training systems have provided outstanding training to firefighters and other first responders. By building on their existing systems we can exponentially increase our ability to train these critical homeland security responders. FEMA has developed extensive training programs for first responders that are provided through a variety of formats and locations. Many of the terrorism preparedness programs are available on-line, through distance learning formats and through resident programs at the National Emergency Training Center in Emmitsburg, MD as well as through the field delivery programs at state and local emergency management and fire training academies. In fact over 90,000 fire and EMS personnel were trained by the National Fire Academy, housed at NETC, last year alone.

   The Office for Domestic Preparedness, now also part of DHS, has an extensive catalogue of training programs, many of which were jointly developed with FEMA and are provided to first responders through a combination of direct delivery, major universities and specialty training at the centers of excellence in Alabama, Nevada and several of the Consortium universities.

6. Thousands of natural disasters occur every year, affecting million of Americans across the country. As a former Governor, I'm sure you're aware of the significant amount of work the Federal Emergency Management Agency does with state and local managers to

define hazards, plan responses, mitigate future damage, and to recover from disasters. As Secretary, how will you ensure that FEMA is able to continue working with states and localities on disaster mitigation and response while at the same time carrying out its important new terrorism-related responsibilities?

A. FEMA, as part of the Department of Homeland Security will have an enhanced role in working with state and local emergency managers to address the critical needs for preparedness from all hazards. FEMA will retain its name and will have increased capacity to provide emergency assistance at the time disaster strikes and in the recovery that follows. As the response arm of the new Department, FEMA will be in a position to leverage additional assistance from the other directorates of DHS that in the past may have not been as readily available to them.

7. When the Homeland Security Act first came to the Senate floor last year, I was one of a group of former governors invited to the White House to talk to President Bush about the debate over labor and personnel issues we were about to have. At that meeting, I told the president that the personnel flexibility he was seeking would not be as controversial if the public employee unions felt like they could trust him. The workers felt like they could not trust the president because of a decision he had made to prevent certain Department of Justice employees from joining unions. I read last week that Admiral Loy at the Transportation Security Administration used flexibility given to him by Congress to prevent airport screeners from joining unions because he believed they performed sensitive national security work. Since most of the union employees transferring into the Department of Homeland Security perform work that is at least as sensitive as that done by airport screeners, I wonder how much trust these workers now have that the power to forbid unions will be used carefully. How will you work to repair the relationship between them and the department? What does Admiral Loy's decision mean for the union rights of the transferred employees who will be working under you next week?

A: I have personally, and senior members of DHS, have met with the principal union leaders since the establishment of the Department to ensure that we have open communications among us. I would like to see us develop both formal and informal relationships with those leaders – and the employee representatives at all levels of the organization – so that we can continue those discussions whenever issues arise. Employees in established bargaining units will continue to have the rights accorded to those units when the component agencies transfer to DHS in early March.

8. Since September 11th, I have heard from literally dozens of businesses and research entities in my state with ideas and products they believe will be of use in the war against terrorism. I'm sure all of my colleagues have had similar experiences. One of the most important things the Department of Homeland Security will do will be to seek out cutting edge anti-terrorism technologies from companies large and small that the federal government and state and local first responders will be able to use to prevent attacks and save lives. I know that the Homeland Security Act calls on the Undersecretary for Science and Technology to set up a clearinghouse for new technologies and a process for

evaluating proposals. How do you envision this process working? Where should companies looking to get a hearing during the transition go?

A: The Department will become a major partner in the Technical Support Working Group (TSWG), a joint State-DoD enterprise dedicated to rapidly transitioning counter-terrorism technologies to the DoD and also to law enforcement agencies. The TSWG will provide a mechanism to allow small and large companies to respond to a variety of identified needs. Furthermore, DHS is providing support to the TSWG to enable their capacity for evaluating unsolicited concepts and proposals. The TSWG will thus act as a clearinghouse for evaluating new technologies and proposals, funding those that are technically feasible and consistent with Department priorities, and bringing prototypes to the field.

For those technologies and systems concepts that are of insufficient maturity for rapid transitioning, companies would approach the Homeland Security Advanced Research Projects Agency (HSARPA). Like the Defense Department's DARPA, HSARPA will be on the lookout for promising technologies from industry and academia that are consistent with the Department's mission and require some investment to bring to fruition.

9. Regardless of how successful you are in setting up the Directorate Information Analysis and Infrastructure Protection, the department's success in taking intelligence on domestic threats and using it to prevent potential attacks will largely depend on the quality of the intelligence it receives. This means that how well you are able to do your job probably depends on how well agencies like the FBI and CIA do theirs. While there are thousands of hard working men and women in the Intelligence Community whose efforts probably prevent tragedies every day, the House and Senate intelligence committees released a report detailing a lack of coordination and cooperation within the Intelligence Community leading up to the attacks of September 11th. The committee released set of recommendations along with the report that, among other things, called for the creation of a statutory Director of National Intelligence who would have new power to manage intelligence agency budgets and personnel, coordinate relationships between intelligence and law enforcement agencies establish priorities for the collection, analysis and dissemination of intelligence throughout the Intelligence Community. Acknowledging the difficulties the FBI has had transforming itself from a law enforcement agency to an agency charged with monitoring terrorists and preventing terrorist attacks, the committees also called on Congress and the Administration to study whether the creation of a new domestic intelligence agency is necessary.

Do you support the creation of a statutory Director of National Intelligence?

A: I don't believe this is necessary. Our focus in DHS should be to further develop and leverage the information and intelligence capabilities we inherit on 1 March and to integrate these complementary capabilities with the efforts of the intelligence and law enforcement agencies in fighting the war on terrorism. As a member of the intelligence community, DHS will be in a position to help establish priorities for the collection and analysis of intelligence. Working directly with Director Mueller, we will do the same

with respect to law enforcement collection priorities. I believe that homeland security intelligence requirements and our priorities for analysis can be satisfied largely through the Terrorist Threat Integration Center (TTIC) announced in the President's State of the Union address, as it becomes fully operational. As a full participant in this effort, I believe DHS will bring to the table an important, complementary role in the collection and assessment of information. By working with Directors Tenet and Mueller to share terrorism information across our respective entities and set priorities collectively, we can accomplish the same objectives as would a statutory Director of National Intelligence.

Do you support the creation of a new domestic intelligence agency?

A: No, The war on terrorism is Director Mueller's top priority, and I believe the FBI should be given time and resources to mature its intelligence program. The FBI has made good strides since 9/11 in training an intelligence officer cadre and establishing the capability to produce and disseminate intelligence reports on terrorism to the rest of the community. Further, the creation of TTIC will serve as a means of sharing all terrorist threat intelligence whether collected overseas or inside the U.S. in order to form the most comprehensive threat picture possible. It will play a lead role in overseeing a national counterterrorist intelligence tasking and requirements system and in maintaining an up-to-date database of known and suspected terrorists. This represents an important milestone in our effort to improve collaboration between the intelligence and law enforcement communities and enhance our ability to thwart terrorist attacks and bring the planners/perpetrators of such attacks and their supporters to justice. As a full partner in TTIC, DHS will ensure that threat information is disseminated in a timely manner to state and local governments, the private sector, and the general public, as appropriate.

Post-Hearing Questions for the Record
Submitted by Senator Frank Lautenberg
to Governor Tom Ridge

Nomination Hearing for The Honorable Tom Ridge
to be Secretary for the Department of Homeland Security

January 17, 2003

Chemical Facility Security

I am extremely concerned about the homeland security threat posed by our nation's chemical facilities. According to the EPA, there are 110 U.S, chemical facilities where a terrorist attack could release enough toxic chemicals to threaten more than one million people. Eight of these are in my home state of New Jersey. Some companies have made security upgrades after September 11, but there is ample evidence that many chemical facilities have not done enough and remain vulnerable to attack. I believe that federal legislation is needed to protect Americans who live near dangerous chemical facilities, and I am a cosponsor of Senator Corzine's Chemical Security Act. I think Congress needs to get moving on this issue. So I was encouraged to see the letter that you and Administrator Whitman sent to the Washington Post last October, in which you stated the following:

"We applaud voluntary efforts some in the industry have undertaken, but we believe that every one of the 15,000 chemical facilities nationwide that contain large quantities of hazardous chemicals must be required to take the steps the industry leaders are taking at their facilities: performing comprehensive vulnerability assessments and then acting to reduce those vulnerabilities.

Voluntary efforts alone are not sufficient to provide the level of assurance Americans deserve. We will continue to work with Congress to advance this important homeland security goal."

Governor Ridge, do you stand by your letter of last October? Do you still believe that legislation is necessary? If so, when do you plan to engage Congress and start working on a bill?

A: I still believe a lot of work needs to be done in the Chemical Sector and this is one of my top priorities for IAIP. As a priority, we will focus on the specific vulnerabilities of the chemical sector and how we can minimize those vulnerabilities in the next few months. In the post 9/11 environment, assessment of vulnerabilities and implementation of appropriate corrective measures has varied widely withi the chemical industry. To level the playing field in accordance with significant security concerns, we are currently developing a legislative proposal that would oblige the owners of high risk chemical facilities to undertake vulnerability assessments in accordance with a standardized methodology and implement corrective security enhancements as appropriate.

Gun Shows and Instant Background Checks

After the fall of the Taliban in Afghanistan, the Chicago Tribune reported that a manual entitled, "How Can I Train Myself for Jihad," containing an entire section on "Firearms Training" was found in the mounds of rubble in a training facility in Kabul. The manual points out that it is easy to acquire firearms in the United States, and recommends that al-Qaeda members living in the United States "obtain an assault weapon legally, preferably AK-47 or variations."

We want to be able to keep guns out the hands of terrorists. As it stands, anybody can walk into a gun show and buy whatever gun he or she wants without a background check whatsoever. President Bush said on the campaign trail he was in favor of closing the gun-show loophole, but primarily through an instant background check method.

Governor, doesn't the loophole in our weapons laws pose a threat to our security and shouldn't we close it as rapidly as possible? Can we use the capabilities your department will have for data and communications integration to create a near real-time background check system for gun shows, and help make the President's vision to become a reality?

If the technology will not permit an instant background check approach, given the seriousness of the problem, shouldn't we take steps to close this terrorist gun purchasing loophole in any event?

A. The Department of Homeland Security recognizes that the illegal firearms market is a concern in the fight against terrorism. It is my understanding that the new Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE,) established within the Department of Justice pursuant to section 1111 of the Homeland Security Act, has jurisdiction over firearms, explosives and arson and is the appropriate agency to work with the Congress to address this issue. We have a close working relationship with the Department of Justice on a wide variety of issues and will explore any and all ways we might assist each other in our mutual quest to make America safe from terrorism.

Civil liberties, Citizens and Immigrant's Rights

Governor Ridge, we have at least 200,000 people of Arab-American decent living in New Jersey. Like citizens and immigrants everywhere, they are productive and upstanding members of their communities. Governor, how can you guarantee that the broad domestic intelligence data gathering mandate of the department will not be abused in regards to certain ethnic groups?

A. From the earliest discussions of the creation of the Department, the Administration has placed a high priority on ensuring that our homeland security efforts are fully consistent with the traditional rights and liberties of American citizens. I intend to make certain that all employees of the Department take care to respect the civil rights and civil liberties of our fellow citizens.

Clearly, respecting civil rights and civil liberties is an important part of the job of the Department as it goes about strengthening our homeland security. I will use my tenure to look for

opportunities to communicate this view internally, as well as meet with groups from outside the Department concerned about these issues.

I do not believe that treating citizens differently on the basis of race or ethnicity is appropriate, and I will ensure that the employees of the Department do not engage in any form of unlawful discrimination. I will make it clear that racial discrimination will not be tolerated, and will pay close attention to concerns raised by citizens or interest groups.

Vulnerability Assessments and Department of Defense and Department of Energy Facilities

The vulnerability of nuclear related Defense and Energy Department facilities is a matter of particular worry for terrorist attacks.

Issues of concern include: the security of nuclear warheads a top of missiles deployed in the Great Plains; warheads and reactors on board submarines based on the East and West Coasts; the shipment of spent naval nuclear fuel from nuclear-powered submarines by sea from Pearl Harbor to the West coast, and by rail from shipyards on the East and West Coast shipyards and the numerous Energy Department facilities that contain fissile and radioactive material.

Governor Ridge, will your Department get the necessary information from DoD and DoE to be able to have an adequate characterization of the vulnerability of these facilities and the associated transportation systems for nuclear weapons and U.S. Navy nuclear waste? Also will you and the state and local "first responder" communities have the information you and they need from the DoD and DoE to be able to adequately manage the consequences of a terrorist attack on a DoD or DoE nuclear related facility?

A: I am confident that both DOD and DOE will provide the required information for this purpose. In fact much of this information has already been transferred to the Department through the transfer of DOE's Office of Energy Assurance into my IAIP Directorate. I am confident that we will be able to get and analyze the required information to fulfill our responsibilities in assisting First Responders.

ROBERT A. BRADY
1ST DISTRICT, PENNSYLVANIA

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January 17, 2003

Honorable Joe Lieberman
40 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Lieberman:

I write in strong support of President Bush's nominee as Secretary of the Department of Homeland Security, Tom Ridge.

America's first Secretary of Homeland Security must be someone who is able to work well with a wide range of constituencies, be able to reach accord among rival interests and have the strength and will power to say "no" when needed. He must also be a person who has the character and judgement to make the right decisions. Tom Ridge is that person.

I have worked with Governor Ridge for many years. We have not always seen eye to eye on policy issues. But he has always been an honest, committed public servant who dealt fairly with everyone. As a combat veteran, a Member of Congress and the leader of one of this nation's largest states, Tom has demonstrated the vision, courage and fortitude to oversee the creation and operation of this new, complex agency.

Over the past year, Tom has shown the entire nation the qualities we Pennsylvanians have long recognized. Eschewing the limelight, he has instead exercised the steady, low key, leadership that is needed in the fight against terrorism. Tom has not used this period to promote himself. He has used it to increase our security. Governor Ridge has always put his country first.

I urge the Senate to confirm Tom Ridge with all due haste, so that he can help make us all secure.

Sincerely,

Robert A. Brady
Member of Congress

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